

SENATE BILL 573

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CF 3lr0641

By: **Senators Lewis Young and Rosapepe**
Introduced and read first time: February 6, 2023
Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **School Health and Vision Services – Screenings and Eye Examinations**

3 FOR the purpose of altering the duties of the State Department of Education’s and the
4 Maryland Department of Health’s primary contact employees for school-based
5 health centers; requiring a certain health form to include space for certain
6 information; altering the requirements for vision screenings for students in public
7 schools and certain nonpublic schools; requiring a county board of education to
8 determine whether certain students should receive an eye examination and
9 eyeglasses under certain circumstances and coordinate with certain programs, if
10 necessary; requiring a county board or county health department to provide students
11 with certain information when the student registers for school; establishing the
12 Pediatric Vision Program; establishing the Vision for Maryland Program; requiring
13 the Maryland State School Health Council to evaluate how the Council can partner
14 with various stakeholders to address certain issues; requiring the State Department
15 of Education and the Maryland Department of Health to examine and report on
16 certain auditory information and support programs; requiring the State Department
17 of Education to convene a certain workgroup to conduct a needs analysis and
18 feasibility study on vision care for children in the State; and generally relating to
19 school health and vision services for students.

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 5–240(a)(2) and 7–404
23 Annotated Code of Maryland
24 (2022 Replacement Volume)

25 BY adding to
26 Article – Education
27 Section 7–401.1 and 7–404.1 through 7–404.3
28 Annotated Code of Maryland
29 (2022 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Education**

4 5–240.

5 (a) (2) (i) 1. The Department shall designate a primary contact
6 employee for school–based health centers.

7 2. The Department’s primary contact employee shall:

8 A. Assist individuals involved in school–based health centers
9 who interact with the Department;

10 B. Provide technical assistance to support the establishment
11 and expansion of school–based health centers; [and]

12 **C. ENSURE THE IMPLEMENTATION AND OVERSIGHT OF**
13 **THE VISION FOR MARYLAND PROGRAM ESTABLISHED UNDER § 7–404.3 OF THIS**
14 **ARTICLE; AND**

15 **[C.] D.** Coordinate the Department’s efforts with those of
16 the Maryland Department of Health and other government agencies to build a robust
17 network of school–based health centers in the State.

18 (ii) 1. The Maryland Department of Health shall designate a
19 primary contact employee for school–based health centers.

20 2. The Maryland Department of Health’s primary contact
21 employee shall:

22 A. Assist individuals involved in school–based health centers
23 who interact with the Maryland Department of Health;

24 B. Provide technical assistance to support the establishment
25 and expansion of school–based health centers; [and]

26 **C. ENSURE THE IMPLEMENTATION AND OVERSIGHT OF**
27 **THE VISION FOR MARYLAND PROGRAM ESTABLISHED UNDER § 7–404.3 OF THIS**
28 **ARTICLE; AND**

29 **[C.] D.** Coordinate the Maryland Department of Health’s
30 efforts with those of the Department and other government agencies to build a robust
31 network of school–based health centers in the State.

1 7-401.1.

2 IF A COUNTY BOARD CREATES A STUDENT HEALTH FORM THAT REQUIRES
3 COMPLETION BY A LICENSED HEALTH CARE PROVIDER, THE FORM SHALL INCLUDE
4 A PLACE TO DESCRIBE:

5 (1) ANY IDENTIFIED HEALTH ISSUES THAT MAY INTERFERE WITH THE
6 STUDENT'S ACADEMIC PERFORMANCE; AND

7 (2) THE PLAN TO ADDRESS THE STUDENT'S HEALTH ISSUES.

8 7-404.

9 (a) (1) Each county board or county health department shall provide hearing
10 and vision screenings for all students in the public schools.

11 (2) Each county health department shall provide and fund hearing and
12 vision screenings for all students:

13 (i) In any private school that has received a certificate of approval
14 under § 2-206 of this article; and

15 (ii) In any nonpublic educational facility in this State approved as a
16 special education facility by the Department.

17 (b) (1) (I) Unless evidence is presented that a student has been tested by
18 an optometrist or ophthalmologist within the past year, the screenings required under
19 subsection (a) of this section shall be given in the year that a student enters [a]:

20 1. A school system[, enters the];

21 2. THE first grade[.];

22 3. THE THIRD OR FOURTH GRADE; and [enters the]

23 4. THE eighth or ninth grade.

24 (II) IF A STUDENT PROVIDES DOCUMENTATION OF HAVING
25 BEEN TESTED BY AN OPTOMETRIST OR OPHTHALMOLOGIST WITHIN THE PAST YEAR,
26 THE FOLLOWING INFORMATION SHALL BE INCLUDED IN THE STUDENT'S SCHOOL
27 HEALTH RECORD:

28 1. THE RESULTS OF ANY TESTS OR SCREENINGS;

1 **2. ANY RECOMMENDATION FOR EYEGLASSES OR OTHER**
 2 **VISION SUPPORTS; AND**

3 **3. WHETHER THE STUDENT RECEIVED THE**
 4 **RECOMMENDED EYEGLASSES OR VISION SUPPORTS.**

5 (2) Further screening shall be done in accordance with:

6 (i) The bylaws adopted by the State Board; or

7 (ii) Policies adopted by a county board or a county health
 8 department.

9 **(C) (1) IN ADDITION TO THE VISION SCREENINGS REQUIRED BY**
 10 **SUBSECTIONS (A) AND (B) OF THIS SECTION, A PUBLIC SCHOOL SHALL REFER A**
 11 **STUDENT IN THE SCHOOL WHO THE SCHOOL KNOWS HAS BEEN DIAGNOSED WITH A**
 12 **NEURODEVELOPMENTAL DELAY FOR A COMPREHENSIVE EYE EXAMINATION**
 13 **PERFORMED BY A LICENSED OPTOMETRIST OR OPHTHALMOLOGIST CHOSEN BY THE**
 14 **STUDENT'S PARENT OR GUARDIAN.**

15 **(2) (I) IF A STUDENT FAILS A VISION SCREENING REQUIRED**
 16 **UNDER THIS SECTION OR SHOWS SIGNS AND SYMPTOMS DURING THE SCREENING**
 17 **THAT JUSTIFY AN EYE EXAMINATION, THE COUNTY BOARD SHALL DETERMINE**
 18 **WHETHER THE STUDENT SUBSEQUENT TO THE SCREENING:**

19 **1. SHOULD RECEIVE AN EYE EXAMINATION; AND**

20 **2. IF RECOMMENDED BY THE EXAMINING OPTOMETRIST**
 21 **OR OPHTHALMOLOGIST, SHOULD RECEIVE EYEGLASSES.**

22 **(II) IF A COUNTY BOARD DETERMINES THAT A STUDENT**
 23 **SHOULD RECEIVE AN EYE EXAMINATION OR EYEGLASSES UNDER SUBPARAGRAPH (I)**
 24 **OF THIS PARAGRAPH, THE COUNTY BOARD SHALL COORDINATE WITH THE VISION**
 25 **FOR MARYLAND PROGRAM ESTABLISHED UNDER § 7-404.3 OF THIS SUBTITLE OR**
 26 **ANY OTHER PUBLIC, PRIVATE, OR NONPROFIT ENTITY TO PROVIDE AN EYE**
 27 **EXAMINATION AND, AS NEEDED, EYEGLASSES TO THE STUDENT.**

28 **[(c)] (D) (1) The results of the hearing and vision screenings required by this**
 29 **section shall be:**

30 (i) Made a part of the permanent record file of each student;

31 (ii) Given to the parents or guardians of each student, with
 32 educational materials that include the following:

1 1. A disclaimer that a vision screening is not a substitute for
2 a comprehensive eye exam performed by an optometrist or ophthalmologist;

3 2. An overview of visual impairments and an explanation of
4 the potential educational impact of untreated visual impairments; and

5 3. A list of at-risk groups that are encouraged to have a
6 comprehensive eye examination by an optometrist or ophthalmologist; and

7 (iii) Reported to the county board or the county health department.

8 (2) **(I)** Additional information shall be provided to the parents or
9 guardians of a student who fails the vision screening that includes:

10 [(i)] **1.** Notice that the results of the screening indicate that the
11 student may have a vision disorder;

12 [(ii)] **2.** A recommendation to the parent or guardian that the
13 student be tested by an optometrist or ophthalmologist;

14 [(iii)] **3.** A description of the warning signs, symptoms, risk factors,
15 and behavioral problems associated with vision disorders or eye conditions;

16 [(iv)] **4.** A description of the difference between eye examinations
17 and the vision screenings required under this section;

18 [(v)] **5.** Information on how to enroll in the Maryland Medical
19 Assistance Program; [and]

20 [(vi)] **6.** Information on locally available free or low-cost nonprofit
21 programs that provide eye examinations and eyeglasses for children, if any;

22 **7. A LIST OF OPTOMETRISTS AND OPHTHALMOLOGISTS**
23 **WHO PARTICIPATE IN THE PEDIATRIC VISION PROGRAM UNDER § 7-404.1 OF THIS**
24 **SUBTITLE; AND**

25 **8. AN EYE EXAM FORM TO BE COMPLETED AND**
26 **RETURNED TO THE COUNTY BOARD OR THE COUNTY HEALTH DEPARTMENT AFTER**
27 **THE STUDENT RECEIVES AN EYE EXAM.**

28 **(II) IF A STUDENT DOES NOT RETURN THE EYE EXAM FORM TO**
29 **THE COUNTY BOARD OR THE COUNTY HEALTH DEPARTMENT WITHIN 30 DAYS AFTER**
30 **RECEIVING THE FORM, THE SCHOOL SHALL NOTIFY THE STUDENT SUPPORT TEAM**
31 **WHERE THE STUDENT ATTENDS SCHOOL.**

1 **[(d)] (E)** On a form provided by the county board or the county health
2 department, a parent or guardian shall report to the county board or the county health
3 department on the recommended services received by a student who failed the screenings.

4 **[(e)] (F)** (1) The county board or the county health department shall report
5 to the Maryland Department of Health:

6 (i) The results of the hearing and vision screenings; and

7 (ii) To the extent practicable, the number of students receiving the
8 recommended services.

9 (2) The Maryland Department of Health shall:

10 (i) Review the reports submitted under this subsection; and

11 (ii) In counties where fewer than 50% of students who have failed
12 the screenings are receiving the recommended services, coordinate with the county board
13 or the county health department to implement measures to improve the number of students
14 receiving the recommended services.

15 **(G) (1) A COUNTY BOARD OR A COUNTY HEALTH DEPARTMENT SHALL
16 PROVIDE THE FOLLOWING INFORMATION TO THE PARENTS OR GUARDIANS OF A
17 STUDENT WHEN THE STUDENT REGISTERS FOR SCHOOL:**

18 **(I) THE INFORMATION LISTED IN SUBSECTION (D)(1)(II) OF
19 THIS SECTION;**

20 **(II) AN EYE EXAM FORM; AND**

21 **(III) A LIST OF OPTOMETRISTS AND OPHTHALMOLOGISTS WHO
22 PARTICIPATE IN THE PEDIATRIC VISION PROGRAM.**

23 **(2) THE EYE EXAM FORM IN PARAGRAPH (1)(II) OF THIS SUBSECTION
24 SHALL BE RETURNED TO THE COUNTY BOARD OR THE COUNTY HEALTH
25 DEPARTMENT BEFORE THE STUDENT MAY BE ENROLLED IN SCHOOL.**

26 **[(f)** In cooperation with the Maryland Department of Health, the Department of
27 Education shall adopt standards, rules, and regulations to carry out the provisions of this
28 section.]

29 **[(g)] (H)** A student whose parent or guardian objects in writing to hearing and
30 vision screening on the ground that it conflicts with the tenets and practice of a recognized
31 church or religious denomination of which he is an adherent or member may not be required
32 to take these screenings.

1 (I) IN COOPERATION WITH THE MARYLAND DEPARTMENT OF HEALTH, THE
2 DEPARTMENT SHALL ADOPT STANDARDS, RULES, AND REGULATIONS TO CARRY OUT
3 THIS SECTION.

4 7-404.1.

5 (A) IN THIS SECTION, "PROGRAM" MEANS THE PEDIATRIC VISION
6 PROGRAM.

7 (B) THERE IS A PEDIATRIC VISION PROGRAM IN THE DEPARTMENT.

8 (C) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH
9 SHALL DEVELOP A CENTRAL REPOSITORY SYSTEM THAT ALLOWS:

10 (1) PEDIATRIC OPTOMETRISTS AND OPHTHALMOLOGISTS TO
11 REPORT THE RESULTS OF EYE EXAMINATIONS PROVIDED UNDER § 7-404 OF THIS
12 SUBTITLE; AND

13 (2) SCHOOL HEALTH STAFF TO ACCESS THE RESULTS OF EYE
14 EXAMINATIONS PROVIDED UNDER § 7-404 OF THIS SUBTITLE.

15 (D) THE DEPARTMENT SHALL:

16 (1) PROVIDE NOTICE OF THE PROGRAM TO PEDIATRIC
17 OPTOMETRISTS AND OPHTHALMOLOGISTS ACROSS THE STATE; AND

18 (2) ESTABLISH A LIST OF PEDIATRIC OPTOMETRISTS AND
19 OPHTHALMOLOGISTS WHO AGREE TO PARTICIPATE IN THE PROGRAM.

20 (E) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH
21 SHALL MODEL THE CENTRAL REPOSITORY SYSTEM AFTER THE VISION PROGRAM IN
22 THE MOTOR VEHICLE ADMINISTRATION.

23 (F) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH
24 JOINTLY SHALL DEVELOP REGULATIONS TO CARRY OUT THIS SECTION.

25 7-404.2.

26 (A) FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE
27 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF
28 AT LEAST \$500,000 TO THE DEPARTMENT TO BE:

1 ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$2,500,000 TO VISION TO
2 LEARN FOR THE PROGRAM.

3 (2) THE PROGRAM MAY ALSO RECEIVE FUNDING FROM:

4 (I) GRANTS OR OTHER ASSISTANCE FROM LOCAL EDUCATION
5 AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION;

6 (II) FEDERAL GRANTS; AND

7 (III) ANY OTHER GRANTS OR CONTRIBUTIONS FROM PUBLIC OR
8 PRIVATE ENTITIES.

9 (G) ON OR BEFORE OCTOBER 1, 2028, AND EACH OCTOBER 1 THEREAFTER,
10 THE PROGRAM SHALL REPORT TO THE SENATE FINANCE COMMITTEE, THE HOUSE
11 HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, THE HOUSE WAYS AND
12 MEANS COMMITTEE, AND THE HOUSE APPROPRIATIONS COMMITTEE, IN
13 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON:

14 (1) THE NUMBER OF COUNTIES THE PROGRAM ENABLED VISION TO
15 LEARN TO EXPAND TO IN THE IMMEDIATELY PRECEDING FISCAL YEAR; AND

16 (2) THE NUMBER OF PUBLIC SCHOOL STUDENTS WHO RECEIVED
17 VISION SUPPORT SERVICES THROUGH THE PROGRAM IN THE IMMEDIATELY
18 PRECEDING FISCAL YEAR.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland State School
20 Health Council shall evaluate how the Council can partner with various stakeholders to
21 address issues that may arise when students are inadequately equipped to learn due to
22 vision and hearing difficulties.

23 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before July 1, 2024, the
24 State Department of Education and the Maryland Department of Health shall examine and
25 report to the Senate Finance Committee and the House Health and Government
26 Operations Committee, in accordance with § 2-1257 of the State Government Article, on:

27 (1) the number of public school students with hearing difficulties who have
28 not received the auditory aids that are necessary for them to learn; and

29 (2) whether auditory support programs similar to the programs
30 established under Sections 1 and 2 of this Act would assist public school students who have
31 hearing difficulties.

32 SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 1,
33 2024, the State Department of Education shall:

1 (1) convene a workgroup that includes county boards of education, local
2 health departments, the Maryland Optometric Association, the Maryland Society of Eye
3 Physicians and Surgeons, Vision for Baltimore, and any other relevant State and local
4 agencies or organizations to conduct a needs analysis and feasibility study on vision care
5 for children in the State, including:

6 (i) making recommendations for standardizing the educational
7 materials provided to parents and guardians of students in the State under § 7–404(d)(1)(ii)
8 of the Education Article, as enacted by Section 1 of this Act;

9 (ii) establishing and making recommendations for regularly
10 updating best practices for primary and secondary schools in the State to identify students
11 at risk for vision impairment and refer those students to a vision screening or eye
12 examination, as appropriate;

13 (iii) identifying existing:

14 1. State and local vision screening requirements and
15 practices;

16 2. local organizations and providers that offer screenings,
17 eye exams, or eyeglasses in a community or school setting in the State;

18 3. efforts by State and local health departments and county
19 boards of education to connect a student who failed the vision screening with vision care,
20 including data on how often a student who failed the vision screening subsequently receives
21 an eye examination;

22 4. barriers to children and their families receiving eye care;
23 and

24 5. data on the number of uninsured or underinsured children
25 in the State; and

26 (iv) identifying and projecting the cost of the possible approaches for
27 providing or connecting children to vision care in the State; and

28 (2) report the findings of the workgroup to the Senate Education, Health,
29 and Environmental Affairs Committee, the House Health and Government Operations
30 Committee, the House Ways and Means Committee, and the Economic Development
31 Subcommittee of the House Appropriations Committee, in accordance with § 2–1257 of the
32 State Government Article.

33 SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
34 effect July 1, 2025.

1 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in Section
2 6 of this Act, this Act shall take effect July 1, 2023.