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BILL ANALYSIS



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Senate Bill 411 (as introduced 5-30-17)
Sponsor: Senator Rick Jones
Committee: Health Policy

Date Completed: 1-30-18

CONTENT

The bill would amend the Public Health Code to do the following:

- **Require local health departments to ensure that each child enrolled in a Michigan school in grades one, three, five, seven, and nine was provided with a vision screening.**
- **Require a local health department, within 30 days after a vision screening, to notify a child's parent or guardian that the child required a comprehensive eye and vision examination, if the screening indicated the child required follow-up care.**
- **Require a child's parent or guardian, within 60 days after receiving a notice, to ensure that the child received a comprehensive eye and vision examination from an eye care professional.**
- **Require an eye care professional to submit to a local health department a signed certificate containing certain information, within 30 days after conducting a comprehensive eye and vision examination.**

The bill would take effect 90 days after it was enacted.

Part 93 (Hearing and Vision) of the Code requires a parent or guardian of, or a person standing in loco parentis to, a child to provide for the child's hearing and vision testing and screening by an agency designated by the local health department. If the result of the testing or screening indicates that that child requires follow-up care, a professional authorized by law, a local health department, or another agency must give the person bringing the child a written statement clearly indicating that follow-up treatment is required.

Under the bill, subject to Section 9311 (described below), in addition to the vision testing and screening required by the Department of Health and Human Services in rules promulgated under Part 93, a local health department would have to ensure that each child residing in its jurisdiction who was enrolled in a Michigan school in grades one, three, five, seven, and nine was provided with a vision screening before the end of the school year. The local health department would have to ensure that the results of each child's screening were provided to the principal or administrator of the child's school. The principal or administrator would have to use the results solely for use in assessing the child's education progress and needs.

(Under Section 9311, a child is exempt from Part 93 if a parent, guardian, or person in loco parentis of the child presents a written statement to the administrator of the child's school stating that a requirement violates the personal religious beliefs of the parent, guardian, or person in loco parentis.)

If the result of a vision screening indicated that the child required follow-up care or a qualified individual (a child's teacher, school psychologist or counselor, or principal or administrator) identified the child as being a struggling reader, recommended that the child be evaluated to determine if he or she was a student with a disability due to reading difficulties, or recommended that the child be scheduled for an individualized education program or a Section 504 plan (described below), then all of the following would apply:

- The qualified individual would have to submit a written request to the appropriate local health department that the child receive a comprehensive eye and vision examination.
- The local health department, within 30 days after receiving the result of the vision screening, or upon receiving a written request for a comprehensive eye and vision examination, would have to give the parent or guardian of, or person standing in loco parentis to, the child written notice that the child was required to have a comprehensive eye and vision examination.
- The parent or guardian, or person standing in loco parentis, within 60 days after the date the notice was sent, would have to ensure that the child had a comprehensive eye and vision examination conducted by an eye care professional.

The examination would have to have an emphasis on visual functioning, including refractive, accommodative, binocular, saccadic eye movement, and convergence sufficiency, that had been demonstrated to have an impact on reading and academic success. Within 30 days after conducting the examination, the eye care professional would be required, in compliance with all applicable law, to submit to the local health department and, if applicable, the qualified individual who submitted the request for an examination, a certificate that did all of the following:

- Acknowledged that the child had received the required comprehensive eye and vision examination.
- Indicated whether the eye care professional recommended vision correction, vision therapy, or other treatment or appropriate interventions.
- Confirmed that the parent or guardian of, or person standing in loco parentis to, the child had complied with, or was in the process of complying with, treatment recommendations, if there were any.

("Eye care professional" would mean a physician licensed under Part 170 (Medicine) or Part 175 (Osteopathic Medicine and Surgery) who specializes in ophthalmology or an optometrist licensed under Part 174 (Optometry).)

If the local health department did not receive a certificate from the eye care professional, the department would have to take appropriate steps to remind the parent, guardian, or person in loco parentis of the child that the child was required to have a comprehensive eye and vision examination.

"Individualized education program" would mean that term as described in Rule 340.1721e of the Administrative Code. (Rule 340.1721e requires an individualized education program to be developed according to Federal regulations and include all of the following in writing: 1) a statement of measurable annual goals, including measureable short-term objectives; 2) a statement documenting that extended school year services were considered; and 3) a statement of a child's socialization needs and ability to participate and progress in developmentally appropriate activities, for children age three to five.)

"Section 504 plan" would mean a plan under Section 504 of Title V of the Rehabilitation Act of 1973. (Section 504 provides, in part, that no qualified individual with a disability may be

excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. According to the "Parent and Educator Resources Guide to Section 504 in Public Elementary and Secondary Schools", produced by the U.S. Department of Education Office for Civil Rights, a Section 504 plan generally describes the regular or special education and related aids and services a student needs and the appropriate settings in which to receive those services.)

MCL 333.9302 et al.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would effectively codify in statute current provisions of the Michigan Administrative Code (R 325.13091 through 325.13096). As the bill proposes, these rules require vision screening in grades 1, 3, 5, 7, and 9. The rules also require that the local health department notify families if an eye examination by an ophthalmologist or optometrist is required for a child. The bill would codify this requirement and direct that the family be notified within 30 days if such an examination were needed. Families of children who needed an eye examination would have to ensure that such an exam was provided within 60 days. If the local health department did not receive documentation that the exam was provided, the department would have to inform the family that the examination was required.

There would be no fiscal impact from the screening timing provisions because there would be no change in policy. The requirement for notification within 30 days would be a minor change but should not have a fiscal impact. The requirement that a local health department inform the family when it did not receive documentation that a child was examined within the 60-day limit described in the bill, would have a small fiscal impact equal to the cost of contacting the family.

Fiscal Analyst: Steve Angelotti

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.