

# Senate Bill 187

Sponsored by Senators ROBLAN, JOHNSON, Representative HACK, Senator DEVLIN, Representatives MCLANE, PARRISH, WILLIAMSON; Senators BURDICK, FERRIOLI, HANSELL, OLSEN, STEINER HAYWARD, TAYLOR, Representatives BARKER, BARRETO, BOONE, GOMBERG, JOHNSON, KENNEMER, LININGER, MCKEOWN, MCLAIN, NOSSE, POST, SMITH G, WHISNANT, WITT (at the request of former Senator Chris Edwards and Oregon Lions Sight and Hearing Foundation)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of Education to reimburse education provider for expenses incurred from providing vision screenings.

Establishes Vision Health Account for purpose of making reimbursements.

Appropriates moneys to Department of Education for deposit in Vision Health Account.

Declares emergency, effective July 1, 2017.

## A BILL FOR AN ACT

1  
2 Relating to vision screenings; creating new provisions; amending ORS 336.211; and declaring an  
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 336.211 is amended to read:

6 336.211. (1) As used in this section:

7 (a) "Education provider" means:

8 (A) An entity that offers a program that is recognized as an Oregon prekindergarten program  
9 under ORS 329.170 to 329.200.

10 (B) A school district board.

11 (b) "Eye examination" means an eye examination that:

12 (A) Is conducted by a person licensed by the Oregon Board of Optometry under ORS 683.010 to  
13 683.340 or a person licensed by the Oregon Medical Board under ORS chapter 677 and trained in  
14 eye surgery and eye disease; and

15 (B) Involves any diagnosis of the eye and any measurement or assistance of the powers or range  
16 of vision of the eye.

17 (c) "Vision screening" means an eye screening test to identify potential vision health problems  
18 that is conducted by:

19 (A) A person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340;

20 (B) A person licensed by the Oregon Medical Board under ORS chapter 677 and trained in eye  
21 surgery and eye disease;

22 (C) A health care practitioner acting in accordance with rules adopted by the State Board of  
23 Education; or

24 (D) A school nurse, an employee of an education provider or a person designated by the De-  
25 partment of Education to provide vision screening to students who is acting in accordance with  
26 rules adopted by the State Board of Education.

27 (2)(a) Except as provided in subsection (3) of this section, each education provider shall require

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 a student who is seven years of age or younger and who is beginning an educational program with  
 2 the education provider for the first time to submit certification that the student received:

3 (A) A vision screening or an eye examination; and

4 (B) Any further examinations or necessary treatments of the eye or assistance of the powers or  
 5 range of vision of the eye.

6 (b) The certification required by this subsection must be provided no later than 120 days after  
 7 the student begins the educational program.

8 (3) A student is not required to submit certification as required under subsection (2) of this  
 9 section if the student provides a statement from the parent or guardian of the student that:

10 (a) The student submitted certification to a prior education provider; or

11 (b) The vision screening or eye examination is contrary to the religious beliefs of the student  
 12 or the parent or guardian of the student.

13 (4) Each education provider shall:

14 (a) Ensure that the requirements of this section are met. Failure by a student to meet the re-  
 15 quirements of this section may not result in a program's or school's prohibiting the student from  
 16 attending the program or school, but may result in withholding report cards or similar actions.

17 (b) File in the student's vision health record any certifications and any results of a vision  
 18 screening or an eye examination known by the education provider.

19 (c) Provide the parent or guardian of each student with information about the vision screenings  
 20 and eye examinations, and information about further examinations or necessary treatments.

21 **(5) Upon application of an education provider that provides students with vision**  
 22 **screenings, the Department of Education shall reimburse the education provider for any ex-**  
 23 **penditures incurred by the education provider, including any expenses related to contracting**  
 24 **with a private entity, to provide the vision screenings. Reimbursements must be paid from**  
 25 **the Vision Health Account established by section 3 of this 2017 Act.**

26 [(5)] (6) The State Board of Education, in consultation with the Oregon Health Policy Board,  
 27 shall adopt by rule any standards for the implementation of this section.

28 **SECTION 2. The amendments to ORS 336.211 by section 1 of this 2017 Act first apply to**  
 29 **vision screening expenses incurred on or after the effective date of this 2017 Act.**

30 **SECTION 3. (1) The Vision Health Account is established in the State Treasury, separate**  
 31 **and distinct from the General Fund. Interest earned by the account shall be credited to the**  
 32 **account.**

33 **(2) Moneys in the account are continuously appropriated to the Department of Education**  
 34 **to make reimbursements to education providers for expenses incurred for the provision of**  
 35 **vision screenings, as described in ORS 336.211 (5).**

36 **SECTION 4. In addition to and not in lieu of any other appropriation, there is appropri-**  
 37 **ated to the Department of Education, for the biennium beginning July 1, 2017, out of the**  
 38 **General Fund, the amount of \$3,000,000 to be deposited in the Vision Health Account estab-**  
 39 **lished by section 3 of this 2017 Act.**

40 **SECTION 5. This 2017 Act being necessary for the immediate preservation of the public**  
 41 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
 42 **July 1, 2017.**