

Senate Bill 289

Sponsored by Senator ROBLAN, Representatives DOHERTY, RESCHKE, Senator HANSELL, Representatives MCKEOWN, SMITH G, WILLIAMSON; Senators BENTZ, BOQUIST, HASS, KNOPP, OLSEN, PROZANSKI, TAYLOR, Representatives BARKER, GOMBERG, MARSH, NATHANSON, POWER, SCHOUTEN, SOLLMAN, WILSON, WITT (Presession filed.)

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 provide reimbursements for vision screenings of students to person that provided vision screening.

Appropriates moneys from General Fund to Department of Education for deposit in Vision Health Account to make reimbursements for vision screenings.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to reimbursement for vision screenings of students; creating new provisions; amending ORS
3 336.211 and 336.212; and declaring an 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 **a person who is:**

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 or nonprofit entity des-
25 ignated by the Department of Education to provide vision screening to students who is acting in
26 accordance with 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
28 a student who is seven years of age or younger and who is beginning an educational program with

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 the education provider for the first time to submit certification that the student received:

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

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

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

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

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

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

12 (4) Each education provider shall:

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

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

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

20 (5)(a) Upon application of [*an education provider*] **a person** that provides students with vision
21 screenings, the Department of Education shall reimburse the [*education provider*] **person** for any
22 necessary expenses incurred by the [*education provider*] **person** in the provision of the vision
23 screenings[, *including any expenses related to contracting with a person or nonprofit entity*].

24 (b) [*An education provider*] **A person** may receive reimbursement under this subsection for the
25 provision of a vision screening to any student of [*the*] **an** education provider, regardless of whether
26 the student has complied with subsection (2) or (3) of this section. Nothing in this paragraph re-
27 moves the requirement that a student must comply with subsection (2) or (3) of this section.

28 (c) Reimbursements made under this subsection:

29 (A) May not exceed \$3.20 per vision screening per student per school year.

30 (B) Must be paid from the Vision Health Account established under ORS 336.212.

31 (C) May not exceed amounts available in the Vision Health Account.

32 (6)(a) The State Board of Education, in consultation with the Oregon Health Policy Board, shall
33 adopt by rule any standards for the implementation of this section.

34 (b) The State Board of Education shall adopt rules that:

35 (A) Prescribe the process by which a person or nonprofit entity is designated by the Department
36 of Education to provide vision screenings; and

37 (B) Establish the process for providing reimbursements under subsection (5) of this section, in-
38 cluding the prioritization of [*education providers*] **persons** to receive a reimbursement if the total
39 amount available for reimbursements exceeds the total amount requested for reimbursements.

40 **SECTION 2.** ORS 336.212 is amended to read:

41 336.212. (1) The Vision Health Account is established in the State Treasury, separate and dis-
42 tinct from the General Fund. Interest earned by the account shall be credited to the account.

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

1 (3) The department, on behalf of the State of Oregon, may solicit and accept gifts, grants and
2 donations from public and private sources for the provision of vision screenings. Moneys received
3 under this subsection shall be deposited into the account.

4 (4) From the moneys appropriated by the Legislative Assembly to the account each biennium,
5 the department may retain no more than a total of 10 percent of the moneys for administrative ex-
6 penses incurred by the department in making reimbursements [*to education providers*].

7 **SECTION 3. The amendments to ORS 336.211 by section 1 of this 2019 Act apply to ex-**
8 **penses incurred for vision screenings provided on or after the effective date of this 2019 Act.**

9 **SECTION 4. In addition to and not in lieu of any other appropriation, there is appropri-**
10 **ated to the Department of Education, for the biennium beginning July 1, 2019, out of the**
11 **General Fund, the amount of \$2,000,000, to be deposited in the Vision Health Account estab-**
12 **lished under ORS 336.212.**

13 **SECTION 5. This 2019 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
15 **July 1, 2019.**

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