

Enrolled Senate Bill 222

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CHAPTER

AN ACT

Relating to reimbursements for vision screenings of students; creating new provisions; amending ORS 336.211 and 336.212; and declaring an emergency.

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

SECTION 1. ORS 336.211 is amended to read:

336.211. (1) As used in this section:

(a) "Education provider" means:

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

(B) A school district board.

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

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

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

(c) "Vision screening" means an eye screening test to identify potential vision health problems that is conducted by **a person who is:**

(A) [A *person*] Licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340;

(B) [A *person*] Licensed by the Oregon Medical Board under ORS chapter 677 and trained in eye surgery and eye disease;

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

(D) A school nurse, an employee of an education provider or a person or nonprofit entity designated by the Department of Education to provide vision screening to students who is acting in accordance with rules adopted by the State Board of Education.

(2)(a) Except as provided in subsection (3) of this section, each education provider shall require a student who is seven years of age or younger and who is beginning an educational program with the education provider for the first time to submit certification that the student received:

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

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

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

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

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

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

(4) Each education provider shall:

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

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

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

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

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

(c) Reimbursements made under this subsection:

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

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

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

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

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

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

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

SECTION 2. ORS 336.212 is amended to read:

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

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

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

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

SECTION 3. The amendments to ORS 336.211 by section 1 of this 2021 Act apply to expenses incurred for vision screenings provided on or after the effective date of this 2021 Act.

SECTION 4. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium beginning July 1, 2021, out of the

General Fund, the amount of \$1,500,000, to be deposited in the Vision Health Account established under ORS 336.212.

SECTION 5. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect July 1, 2021.

Passed by Senate June 16, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 22, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State