

# HOUSE BILL 1375

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By: **Delegate Hill**

Introduced and read first time: February 7, 2020

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public School Students – Vision Services and the Vision for Maryland Program**

3 FOR the purpose of establishing certain health specialist positions in the State Department  
4 of Education and the Maryland Department of Health; specifying the responsibilities  
5 of the health specialists; providing for the funding of the health specialist positions;  
6 altering the grades in which county boards of education or county health  
7 departments must provide vision and hearing screenings for students in public  
8 schools; requiring the results of certain screenings to be reported to a certain county  
9 board and county health department and, under certain circumstances, shared with  
10 a student's primary care provider; requiring each county board to ensure that certain  
11 students receive eye examinations and, under certain circumstances, eyeglasses;  
12 authorizing a county board to coordinate with the Vision for Maryland Program or  
13 certain other entities to meet certain requirements; requiring each county board or  
14 county health department to provide additional vision screenings for certain  
15 students under certain circumstances; establishing the Vision for Maryland  
16 Program; requiring the Maryland Department of Health to carry out the Program in  
17 consultation with certain entities; requiring the Program to provide eye  
18 examinations and eyeglasses to certain students under certain circumstances;  
19 requiring certain services to be provided in a certain manner; requiring the Program  
20 to assist a certain parent or guardian with obtaining certain vision services under  
21 certain circumstances; requiring the Department to develop a certain fee schedule  
22 and certain standards; authorizing the Program to bill a certain student's insurance  
23 provider and charge a certain fee to a certain parent or guardian; authorizing the  
24 Program to receive funding from certain sources; requiring the Program to report  
25 certain information to certain committees of the General Assembly on or before a  
26 certain date each year; and generally relating to vision services for students in public  
27 schools.

28 BY adding to  
29 Article – Education  
30 Section 7–401.1

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 7–404  
Annotated Code of Maryland  
(2018 Replacement Volume and 2019 Supplement)

BY adding to  
Article – Health – General  
Section 2–107.1; and 13–4101 to be under the new subtitle “Subtitle 41. Vision for  
Maryland Program”  
Annotated Code of Maryland  
(2019 Replacement Volume)

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

**Article – Education**

**7–401.1.**

**(A) THERE IS A HEALTH SPECIALIST POSITION IN THE DEPARTMENT.**

**(B) THE HEALTH SPECIALIST, IN COORDINATION WITH THE HEALTH  
SPECIALIST IN THE MARYLAND DEPARTMENT OF HEALTH, SHALL:**

**(1) DEVELOP THE INFRASTRUCTURE FOR AND COLLECT, ANALYZE,  
AND RESPOND TO DATA TRENDS CONCERNING STUDENT HEALTH SERVICES IN  
MARYLAND PUBLIC SCHOOLS;**

**(2) ENSURE THAT STUDENTS RECEIVE NECESSARY VISION AND  
AUDITORY EXAMINATIONS, EYEGLASSES, AND HEARING AIDS; AND**

**(3) ENSURE THAT QUALITY AND EFFECTIVE SCHOOL HEALTH  
SERVICES ARE DELIVERED THROUGHOUT THE STATE.**

**(C) (1) THE HEALTH SPECIALIST SHALL BE A NEW POSITION  
ESTABLISHED IN ADDITION TO THE EXISTING STAFF POSITIONS IN THE  
DEPARTMENT.**

**(2) THE HEALTH SPECIALIST POSITION SHALL BE FULLY FUNDED  
USING:**

**(I) FUNDS ALLOCATED TO INITIATIVES ENCOMPASSED IN THE RECOMMENDATIONS OF THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION;**

**(II) NEW FEDERAL REVENUES; OR**

**(III) NON-STATE GRANTS.**

**(3) FUNDING FOR THE HEALTH SPECIALIST POSITION SHALL BE SUPPLEMENTAL TO, AND MAY NOT SUPPLANT, FUNDS APPROPRIATED TO THE DEPARTMENT FOR OTHER PURPOSES.**

7-404.

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

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

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

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

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

**(I) IN the year that a student enters a school system[, enters the first grade, and enters the eighth or ninth grade];**

**(II) AT LEAST TWICE DURING GRADES 1 THROUGH 5; AND**

**(III) AT LEAST ONCE DURING GRADES 6 THROUGH 8.**

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

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

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

(c) (1) The results of the hearing and vision screenings required by this section

shall be:

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

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

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

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

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

(iii) Reported to the county board [or] AND the county health department; AND

**(IV) IF REQUESTED BY A STUDENT'S PRIMARY CARE PROVIDER, WITH THE WRITTEN CONSENT OF THE PARENT OR GUARDIAN OF THE STUDENT, SHARED WITH THE PRIMARY CARE PROVIDER.**

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

(i) Notice that the results of the screening indicate that the student may have a vision disorder;

(ii) A recommendation to the parent or guardian that the student be tested by an optometrist or ophthalmologist;

(iii) A description of the warning signs, symptoms, risk factors, and behavioral problems associated with vision disorders or eye conditions;

(iv) A description of the difference between eye examinations and the vision screenings required under this section;

(v) Information on how to enroll in the Maryland Medical Assistance Program; and

(vi) Information on locally available free or low-cost nonprofit programs that provide eye examinations and eyeglasses for children, if any.

(d) On a form provided by the county board or the county health department, a parent or guardian shall report to the county board or the county health department on

the recommended services received by a student who failed the screenings.

**(E) (1) EACH COUNTY BOARD SHALL ENSURE THAT THE FOLLOWING STUDENTS RECEIVE AN EYE EXAMINATION AND, IF RECOMMENDED BY THE EXAMINING OPTOMETRIST OR OPHTHALMOLOGIST, EYEGLASSES:**

**(I) STUDENTS WHO FAILED THE VISION SCREENING REQUIRED UNDER THIS SECTION;**

**(II) STUDENTS WHOSE PARENTS OR GUARDIANS RECEIVED THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND**

**(III) STUDENTS WHO DID NOT RECEIVE THE RECOMMENDED SERVICES.**

**(2) A COUNTY BOARD MAY COORDINATE WITH THE VISION FOR MARYLAND PROGRAM ESTABLISHED UNDER § 13-4101 OF THE HEALTH – GENERAL ARTICLE OR ANY OTHER PUBLIC, PRIVATE, OR NONPROFIT ENTITY TO MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION.**

**(F) IN ADDITION TO THE VISION SCREENINGS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, EACH COUNTY BOARD OR COUNTY HEALTH DEPARTMENT SHALL PROVIDE A VISION SCREENING FOR A STUDENT IN A PUBLIC SCHOOL WHO:**

**(1) HAS AN INDIVIDUALIZED EDUCATION PROGRAM, AS DEFINED IN § 8-408 OF THIS ARTICLE, OR A 504 PLAN, AS PROVIDED UNDER THE FEDERAL REHABILITATION ACT OF 1973, WHEN:**

**(I) THE PROGRAM OR PLAN FOR THE STUDENT IS ESTABLISHED; OR**

**(II) THE PARENT OR GUARDIAN NOTIFIES THE SCHOOL THAT THERE IS A CHANGE TO THE STUDENT’S MEDICAL HISTORY THAT IS EXPECTED TO:**

**1. AFFECT THE STUDENT FOR MORE THAN 2 WEEKS; AND**

**2. ABSENT INTERVENTION, NEGATIVELY IMPACT FOR AN EXTENDED PERIOD OF TIME THE STUDENT’S:**

**A. ACADEMIC PERFORMANCE;**

**B. SOCIAL INTERACTIONS; OR**

**C. ABILITY TO MEET SCHOOL EXPECTATIONS OR REQUIREMENTS;**

**(2) IS IDENTIFIED AS HAVING PROBLEM BEHAVIOR AND IN NEED OF A BEHAVIOR INTERVENTION PLAN, AS DEFINED IN § 7-1101 OF THIS TITLE; OR**

**(3) IS NOT DEMONSTRATING GRADE-APPROPRIATE SKILL AND CONTENT MASTERY AND WHOSE ACADEMIC PERFORMANCE CONTINUES TO DECLINE DESPITE INTERVENTION BY THE SCHOOL.**

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

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

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

(2) The Maryland Department of Health shall:

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

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

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

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

**Article – Health – General**

**2-107.1.**

**(A) THERE IS A HEALTH SPECIALIST POSITION IN THE DEPARTMENT.**

**(B) THE HEALTH SPECIALIST, IN COORDINATION WITH THE HEALTH SPECIALIST IN THE STATE DEPARTMENT OF EDUCATION, SHALL:**

(1) DEVELOP THE INFRASTRUCTURE FOR AND COLLECT, ANALYZE, AND RESPOND TO DATA TRENDS CONCERNING STUDENT HEALTH SERVICES IN MARYLAND PUBLIC SCHOOLS;

(2) ENSURE THAT STUDENTS RECEIVE NECESSARY VISION AND AUDITORY EXAMINATIONS, EYEGLASSES, AND HEARING AIDS; AND

(3) ENSURE THAT QUALITY AND EFFECTIVE SCHOOL HEALTH SERVICES ARE DELIVERED THROUGHOUT THE STATE.

(C) (1) THE HEALTH SPECIALIST SHALL BE A NEW POSITION ESTABLISHED IN ADDITION TO THE EXISTING STAFF POSITIONS IN THE DEPARTMENT.

(2) THE HEALTH SPECIALIST POSITION SHALL BE FULLY FUNDED USING:

(I) FUNDS ALLOCATED TO INITIATIVES ENCOMPASSED IN THE RECOMMENDATIONS OF THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION;

(II) NEW FEDERAL REVENUES; OR

(III) NON-STATE GRANTS.

(3) FUNDING FOR THE HEALTH SPECIALIST POSITION SHALL BE SUPPLEMENTAL TO, AND MAY NOT SUPPLANT, FUNDS APPROPRIATED TO THE DEPARTMENT FOR OTHER PURPOSES.

#### SUBTITLE 41. VISION FOR MARYLAND PROGRAM.

13-4101.

(A) THERE IS A VISION FOR MARYLAND PROGRAM.

(B) THE DEPARTMENT SHALL CARRY OUT THE PROGRAM IN CONSULTATION WITH:

(1) THE VISION FOR BALTIMORE PROGRAM;

(2) COUNTY BOARDS OF EDUCATION;

(3) LOCAL HEALTH DEPARTMENTS; AND

1           **(4) THE MARYLAND OPTOMETRIC ASSOCIATION.**

2           **(C) (1) THE PROGRAM SHALL PROVIDE:**

3                   **(I) EYE EXAMINATIONS TO PUBLIC SCHOOL STUDENTS WHO**  
4 **FAIL THE VISION SCREENING REQUIRED UNDER § 7-404 OF THE EDUCATION**  
5 **ARTICLE; AND**

6                   **(II) EYEGLASSES, IF DETERMINED NECESSARY BY THE RESULTS**  
7 **OF THE EYE EXAMINATION UNDER ITEM (I) OF THIS PARAGRAPH.**

8           **(2) THE SERVICES PROVIDED UNDER PARAGRAPH (1) OF THIS**  
9 **SUBSECTION SHALL BE PROVIDED:**

10                   **(I) REGARDLESS OF THE STUDENT'S OR THE PARENT OR**  
11 **GUARDIAN OF THE STUDENT'S ABILITY TO PAY FOR THE SERVICES;**

12                   **(II) ON THE PREMISES OF THE SCHOOL IN WHICH THE STUDENT**  
13 **IS ENROLLED OR AT ANOTHER ACCESSIBLE LOCATION IF SUFFICIENT HOURS AND**  
14 **TRANSPORTATION ARE PROVIDED; AND**

15                   **(III) AFTER THE PROGRAM RECEIVES WRITTEN CONSENT FOR**  
16 **THE EXAMINATION FROM THE STUDENT'S PARENT OR GUARDIAN.**

17           **(D) IF A STUDENT NEEDS VISION SERVICES, AS DETERMINED BY THE**  
18 **RESULTS OF THE EYE EXAMINATION UNDER SUBSECTION (C)(1)(I) OF THIS SECTION,**  
19 **THAT THE PROGRAM DOES NOT PROVIDE, THE PROGRAM SHALL ASSIST THE**  
20 **STUDENT'S PARENT OR GUARDIAN WITH OBTAINING THE VISION SERVICES THE**  
21 **STUDENT NEEDS, INCLUDING AT LOW OR NO COST TO THE STUDENT'S PARENT OR**  
22 **GUARDIAN.**

23           **(E) THE DEPARTMENT SHALL DEVELOP:**

24                   **(1) A FEE SCHEDULE FOR THE SERVICES OR EYEGLASSES PROVIDED**  
25 **BY THE PROGRAM BASED ON A PARENT'S OR GUARDIAN'S ABILITY TO PAY; AND**

26                   **(2) STANDARDS THAT THE PROGRAM SHALL USE TO ADMINISTER THE**  
27 **FEE SCHEDULE.**

28           **(F) THE PROGRAM MAY:**

29                   **(1) BILL A STUDENT'S INSURANCE PROVIDER FOR THE SERVICES OR**



1 EYEGLASSES PROVIDED BY THE PROGRAM; AND

2 (2) CHARGE A FEE BASED ON THE FEE SCHEDULE AND STANDARDS  
3 DEVELOPED BY THE DEPARTMENT UNDER SUBSECTION (E) OF THIS SECTION TO A  
4 PARENT OR GUARDIAN OF A STUDENT TO WHOM THE PROGRAM PROVIDED  
5 SERVICES OR EYEGLASSES.

6 (G) THE PROGRAM MAY RECEIVE FUNDING FROM THE FOLLOWING  
7 SOURCES:

8 (1) STATE APPROPRIATIONS;

9 (2) GRANTS OR OTHER ASSISTANCE FROM LOCAL EDUCATION  
10 AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION;

11 (3) FEDERAL GRANTS; AND

12 (4) ANY OTHER GRANTS OR CONTRIBUTIONS FROM PUBLIC OR  
13 PRIVATE ENTITIES.

14 (H) ON OR BEFORE JANUARY 1, 2022, AND EACH JANUARY 1 THEREAFTER,  
15 THE PROGRAM SHALL REPORT ON THE NUMBER OF STUDENTS WHO RECEIVED EYE  
16 EXAMINATIONS, EYEGLASSES, OR VISION REHABILITATION IN THE IMMEDIATELY  
17 PRECEDING CALENDAR YEAR TO THE SENATE FINANCE COMMITTEE AND THE  
18 HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE IN ACCORDANCE  
19 WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
21 1, 2020.