

# SENATE BILL No. 411

May 30, 2017, Introduced by Senators JONES, PROOS, HERTEL, SCHUITMAKER, MARLEAU, MACGREGOR, HUNE, KNOLLENBERG, EMMONS, SCHMIDT, ROBERTSON, BRANDENBURG, O'BRIEN and HANSEN and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 9302, 9305, and 9321 (MCL 333.9302, 333.9305, and 333.9321), and by adding section 9308.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 9302. A parent ~~—OR~~ guardian ~~OF~~, or person **STANDING** in  
2 loco parentis ~~of—TO~~, a child shall provide for the child's hearing  
3 and vision testing and screening by an agency designated by the  
4 local health department. ~~The—~~**SUBJECT TO SECTION 9308, THE** testing  
5 and screening ~~shall—~~**MUST** be given during an age period and at a  
6 frequency specified by the department.

7           Sec. 9305. (1) ~~When—~~**SUBJECT TO SECTION 9308, IF** the result of  
8 a hearing or vision testing or screening indicates that a child  
9 requires follow-up care, a professional authorized by law, a local  
10 health department, or ~~other—~~**ANOTHER** agency shall present the person

1 bringing the child a written statement clearly indicating that  
2 follow-up treatment is required.

3 (2) The local health department, upon request, shall provide  
4 information concerning the availability and sources of vision and  
5 hearing treatment required to eliminate or reduce an identified  
6 problem.

7 SEC. 9308. (1) SUBJECT TO SECTION 9311, IN ADDITION TO THE  
8 VISION TESTING AND SCREENING REQUIRED BY THE DEPARTMENT IN RULES  
9 PROMULGATED UNDER THIS PART, A LOCAL HEALTH DEPARTMENT SHALL ENSURE  
10 THAT EACH CHILD RESIDING IN ITS JURISDICTION WHO IS ENROLLED IN A  
11 SCHOOL IN THIS STATE IN EACH OF GRADES 1, 3, 5, 7, AND 9 IS  
12 PROVIDED WITH A VISION SCREENING BEFORE THE END OF THE SCHOOL YEAR.  
13 THE LOCAL HEALTH DEPARTMENT SHALL ENSURE THAT THE RESULTS OF EACH  
14 CHILD'S VISION SCREENING ARE PROVIDED TO THE PRINCIPAL OR  
15 ADMINISTRATOR OF THE CHILD'S SCHOOL. THE PRINCIPAL OR ADMINISTRATOR  
16 OF THE CHILD'S SCHOOL SHALL USE THE RESULTS SOLELY FOR USE IN  
17 ASSESSING THE CHILD'S EDUCATIONAL PROGRESS AND NEEDS.

18 (2) IF THE RESULT OF A VISION SCREENING UNDER SUBSECTION (1)  
19 INDICATES THAT THE CHILD REQUIRES FOLLOW-UP CARE OR A QUALIFIED  
20 INDIVIDUAL IDENTIFIES THE CHILD AS BEING A STRUGGLING READER,  
21 RECOMMENDS THAT THE CHILD BE EVALUATED TO DETERMINE IF HE OR SHE IS  
22 A STUDENT WITH A DISABILITY DUE TO READING DIFFICULTIES, OR  
23 RECOMMENDS THAT THE CHILD BE SCHEDULED FOR AN INDIVIDUALIZED  
24 EDUCATION PROGRAM OR A SECTION 504 PLAN, THEN ALL OF THE FOLLOWING  
25 APPLY:

26 (A) THE QUALIFIED INDIVIDUAL SHALL SUBMIT, IN WRITING, A  
27 REQUEST TO THE APPROPRIATE LOCAL HEALTH DEPARTMENT THAT THE CHILD

1 RECEIVE A COMPREHENSIVE EYE AND VISION EXAMINATION.

2 (B) WITHIN 30 DAYS AFTER RECEIVING THE RESULT OF THE VISION  
3 SCREENING, OR UPON RECEIVING THE REQUEST DESCRIBED IN SUBDIVISION  
4 (A), THE LOCAL HEALTH DEPARTMENT SHALL NOTIFY THE PARENT OR  
5 GUARDIAN OF, OR PERSON STANDING IN LOCO PARENTIS TO, THE CHILD IN  
6 WRITING THAT THE CHILD IS REQUIRED TO HAVE A COMPREHENSIVE EYE AND  
7 VISION EXAMINATION AS DESCRIBED IN SUBDIVISION (C).

8 (C) WITHIN 60 DAYS AFTER THE DATE OF THE NOTICE DESCRIBED IN  
9 SUBDIVISION (B), THE PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS  
10 OF THE CHILD SHALL ENSURE THAT THE CHILD HAS A COMPREHENSIVE EYE  
11 AND VISION EXAMINATION CONDUCTED BY AN EYE CARE PROFESSIONAL. THE  
12 COMPREHENSIVE EYE AND VISION EXAMINATION REQUIRED UNDER THIS  
13 SUBDIVISION MUST HAVE AN EMPHASIS ON VISUAL FUNCTIONING, INCLUDING,  
14 BUT NOT LIMITED TO, REFRACTIVE, ACCOMMODATIVE, BINOCULAR, SACCADIC  
15 EYE MOVEMENT, AND CONVERGENCE SUFFICIENCY, THAT HAVE BEEN  
16 DEMONSTRATED TO HAVE AN IMPACT ON READING AND ACADEMIC SUCCESS.  
17 WITHIN 30 DAYS AFTER CONDUCTING THE EXAMINATION, THE EYE CARE  
18 PROFESSIONAL SHALL, IN COMPLIANCE WITH ALL APPLICABLE LAW, SUBMIT  
19 TO THE LOCAL HEALTH DEPARTMENT AND, IF APPLICABLE, THE QUALIFIED  
20 INDIVIDUAL WHO SUBMITTED THE REQUEST DESCRIBED IN SUBDIVISION (A),  
21 A CERTIFICATE SIGNED BY THE EYE CARE PROFESSIONAL THAT DOES ALL OF  
22 THE FOLLOWING:

23 (i) ACKNOWLEDGES THAT THE CHILD HAS RECEIVED THE COMPREHENSIVE  
24 EYE AND VISION EXAMINATION REQUIRED UNDER THIS SUBDIVISION.

25 (ii) INDICATES WHETHER THE EYE CARE PROFESSIONAL RECOMMENDS  
26 VISION CORRECTION, VISION THERAPY, OR OTHER TREATMENT OR  
27 APPROPRIATE INTERVENTIONS.

1           (iii) IF THERE IS A TREATMENT RECOMMENDATION UNDER  
2 SUBPARAGRAPH (ii), CONFIRMS THAT THE PARENT OR GUARDIAN OF, OR  
3 PERSON STANDING IN LOCO PARENTIS TO, THE CHILD HAS COMPLIED WITH,  
4 OR IS IN THE PROCESS OF COMPLYING WITH, THAT TREATMENT  
5 RECOMMENDATION.

6           (D) IF THE LOCAL HEALTH DEPARTMENT DOES NOT RECEIVE THE  
7 CERTIFICATE REQUIRED UNDER SUBDIVISION (C) FOR A CHILD WITHIN THE  
8 TIME PERIOD ALLOWED, THE LOCAL HEALTH DEPARTMENT SHALL TAKE  
9 APPROPRIATE STEPS TO REMIND THE PARENT, GUARDIAN, OR PERSON IN LOCO  
10 PARENTIS OF THE CHILD THAT THE CHILD IS REQUIRED TO HAVE THE  
11 COMPREHENSIVE EYE AND VISION EXAMINATION DESCRIBED IN SUBDIVISION  
12 (C).

13           (3) AS USED IN THIS SECTION:

14           (A) "EYE CARE PROFESSIONAL" MEANS A PHYSICIAN LICENSED UNDER  
15 PART 170 OR 175 WHO SPECIALIZES IN OPHTHALMOLOGY OR AN OPTOMETRIST  
16 LICENSED UNDER PART 174.

17           (B) "INDIVIDUALIZED EDUCATION PROGRAM" MEANS THAT TERM AS  
18 DESCRIBED IN R 340.1721E OF THE MICHIGAN ADMINISTRATIVE CODE.

19           (C) "QUALIFIED INDIVIDUAL" MEANS THE CHILD'S TEACHER, SCHOOL  
20 PSYCHOLOGIST, SCHOOL COUNSELOR, OR PRINCIPAL OR ADMINISTRATOR.

21           (D) "SECTION 504 PLAN" MEANS A PLAN UNDER SECTION 504 OF TITLE  
22 V OF THE REHABILITATION ACT OF 1973, 29 USC 794.

23           Sec. 9321. ~~The~~SUBJECT TO SECTION 9308, THE department may  
24 promulgate rules to implement this part, including the age and  
25 frequency for testing and screening under section 9302 and the  
26 maintenance and disclosure of records under section 9307.

27           Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.