

FIRST REGULAR SESSION

# HOUSE BILL NO. 239

## 99TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE KELLEY (127).

0142H.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal section 167.194, RSMo, and to enact in lieu thereof one new section relating to vision examinations for students.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 167.194, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.194, to read as follows:

167.194. 1. Beginning July 1, ~~[2008]~~ **2018**, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such examination, or other rules as are necessary for the enforcement of this section. The form or other proof of such examination shall include but not be limited to identifying the result of the examinations performed under subsection 4 of this section, the cost for the examination, the examiner's qualifications, and method of payment through either:

- (1) Insurance;
- (2) The ~~[state Medicaid]~~ **MO HealthNet** program;
- (3) Complimentary; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (4) Other form of payment.

19 3. The department of elementary and secondary education, in conjunction with the  
20 department of health and senior services, shall compile and maintain a list of sources to which  
21 children who may need vision examinations or children who have been found to need further  
22 examination or vision correction may be referred for treatment on a free or reduced-cost basis.  
23 The sources may include individuals, and federal, state, local government, and private programs.  
24 The department of elementary and secondary education shall ensure that the superintendent of  
25 schools, the principal of each elementary school, the school nurse or other person responsible  
26 for school health services, and the parent organization for each district elementary school  
27 receives an updated copy of the list each year prior to school opening. Professional and service  
28 organizations concerned with vision health may assist in gathering and disseminating the  
29 information, at the direction of the department of elementary and secondary education.

30 4. For purposes of this section, the following comprehensive vision examinations shall  
31 include but not be limited to:

32 (1) Complete case history;

33 (2) Visual acuity at distance (aided and unaided);

34 (3) External examination and internal examination (ophthalmoscopic examination); **and**

35 (4) Subjective refraction to best visual acuity.

36 5. Findings from the evidence of examination shall be provided to the department of  
37 health and senior services and kept by the optometrist or physician for a period of seven years.

38 6. In the event that a parent or legal guardian of a child subject to this section shall  
39 submit to the appropriate school administrator a written request that the child be excused from  
40 taking a vision examination as provided in this section, that child shall be so excused.

41 7. Pursuant to section 23.253 of the Missouri sunset act:

42 (1) The provisions of the new program authorized under this section shall automatically  
43 sunset on ~~June 30, 2012~~ **June 30, 2022**, unless reauthorized by an act of the general assembly;  
44 and

45 (2) If such program is reauthorized, the program authorized under this section shall  
46 automatically sunset eight years after the effective date of the reauthorization of this section; and

47 (3) This section shall terminate on September first of the calendar year immediately  
48 following the calendar year in which the program authorized under this section is sunset.

✓