

FIRST REGULAR SESSION

HOUSE BILL NO. 295

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JETTON (Sponsor), PEARCE, TILLEY, WELLS, WRIGHT (159), PHILLIPS, WILDBERGER, BEAN, HOSKINS, MEADOWS, STORCH, SWINGER, MOORE, SATER, YATES, MEINERS, HOBBS, DUSENBERG, SUTHERLAND, RICHARD, BLACK, CUNNINGHAM (86), PRATT, NANCE, BAKER (123), SHOEMYER, KRAUS AND KRATKY (Co-sponsors).

Read 1st time January 20, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0446L.02I

AN ACT

To repeal section 192.935, RSMo, and to enact in lieu thereof two new sections relating to vision examinations for school children.

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

Section A. Section 192.935, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 167.195 and 192.935, to read as follows:

2 **167.195. 1. Beginning July 1, 2006, every child enrolling in kindergarten or first**
3 **grade in a public elementary school in this state, or in a Head Start program in this state,**
4 **shall receive at least one comprehensive vision examination performed by a state licensed**
5 **optometrist or ophthalmologist. The examination, or a copy of a prior examination if the**
6 **child has previously received a vision examination under this section, shall be submitted**
7 **to the school or Head Start program no later than January first of the first year in which**
8 **the student is enrolled at the school or program.**

9 **2. The state board of education shall promulgate rules for the criteria for meeting**
10 **the requirements of subsection 1 of this section, which may include, but are not limited to,**
11 **forms or other proof of such examination, or other rules as are necessary for the**
12 **enforcement of this section.**

13 **3. The department of elementary and secondary education, in conjunction with the**
14 **department of health and senior services, shall compile and maintain a list of sources to**

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.

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

24 **4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
25 **that is created under the authority delegated in this section shall become effective only if**
26 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
27 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
28 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
29 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
30 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
31 **adopted after August 28, 2005, shall be invalid and void.**

192.935. 1. There is hereby created in the state treasury the "Blindness Education,
2 Screening and Treatment Program Fund". The fund shall consist of moneys donated pursuant
3 to subsection 7 of section 301.020, RSMo, and subsection 3 of section 302.171, RSMo.
4 Unexpended balances in the fund at the end of any fiscal year shall not be transferred to the
5 general revenue fund or any other fund, the provisions of section 33.080, RSMo, to the contrary
6 notwithstanding.

7 2. Subject to the availability of funds in the blindness education, screening and treatment
8 program fund, the department shall develop a blindness education, screening and treatment
9 program to provide blindness prevention education and to provide screening and treatment for
10 persons who do not have adequate coverage for such services under a health benefit plan.

11 3. The program shall provide for:

12 (1) Public education about blindness and other eye conditions;
13 (2) Screenings and eye examinations to identify conditions that may cause blindness;
14 [and]

15 (3) Treatment procedures necessary to prevent blindness;

16 **(4) Vision examinations under section 167.195, RSMo, for those children for whom**
17 **public or private health insurance does not cover the cost of the examination.**

18 4. The department may contract for program development with any department-approved

19 nonprofit organization dealing with regional and community blindness education, eye donor and
20 vision treatment services.

21 5. The department may adopt rules to prescribe eligibility requirements for the program.

22 6. No rule or portion of a rule promulgated pursuant to the authority of this section shall
23 become effective unless it has been promulgated pursuant to the provisions of chapter 536,
24 RSMo.