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:

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

Sec. 9305. (1) WHEN SUBJECT TO SECTION 9308, IF the result of a hearing or vision testing or screening indicates that a child requires follow-up care, a professional authorized by law, a local health department, or another agency shall present the person...
bringing the child a written statement clearly indicating that follow-up treatment is required.

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

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

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

(A) THE QUALIFIED INDIVIDUAL SHALL SUBMIT, IN WRITING, A REQUEST TO THE APPROPRIATE LOCAL HEALTH DEPARTMENT THAT THE CHILD
RECEIVE A COMPREHENSIVE EYE AND VISION EXAMINATION.

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

(C) WITHIN 60 DAYS AFTER THE DATE OF THE NOTICE DESCRIBED IN SUBDIVISION (B), THE PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS OF THE CHILD SHALL ENSURE THAT THE CHILD HAS A COMPREHENSIVE EYE AND VISION EXAMINATION CONDUCTED BY AN EYE CARE PROFESSIONAL. THE COMPREHENSIVE EYE AND VISION EXAMINATION REQUIRED UNDER THIS SUBDIVISION MUST HAVE AN EMPHASIS ON VISUAL FUNCTIONING, INCLUDING, BUT NOT LIMITED TO, REFRACTIVE, ACCOMMODATIVE, BINOCULAR, SACCADIC EYE MOVEMENT, AND CONVERGENCE SUFFICIENCY, THAT HAVE BEEN DEMONSTRATED TO HAVE AN IMPACT ON READING AND ACADEMIC SUCCESS.

WITHIN 30 DAYS AFTER CONDUCTING THE EXAMINATION, THE EYE CARE PROFESSIONAL SHALL, IN COMPLIANCE WITH ALL APPLICABLE LAW, SUBMIT TO THE LOCAL HEALTH DEPARTMENT AND, IF APPLICABLE, THE QUALIFIED INDIVIDUAL WHO SUBMITTED THE REQUEST DESCRIBED IN SUBDIVISION (A), A CERTIFICATE SIGNED BY THE EYE CARE PROFESSIONAL THAT DOES ALL OF THE FOLLOWING:

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

(ii) INDICATES WHETHER THE EYE CARE PROFESSIONAL RECOMMENDS VISION CORRECTION, VISION THERAPY, OR OTHER TREATMENT OR APPROPRIATE INTERVENTIONS.
(iii) IF THERE IS A TREATMENT RECOMMENDATION UNDER
SUBPARAGRAPH (ii), CONFIRMS THAT THE PARENT OR GUARDIAN OF, OR
PERSON STANDING IN LOCO PARENTIS TO, THE CHILD HAS COMPLIED WITH,
OR IS IN THE PROCESS OF COMPLYING WITH, THAT TREATMENT
RECOMMENDATION.
(D) IF THE LOCAL HEALTH DEPARTMENT DOES NOT RECEIVE THE
CERTIFICATE REQUIRED UNDER SUBDIVISION (C) FOR A CHILD WITHIN THE
TIME PERIOD ALLOWED, THE LOCAL HEALTH DEPARTMENT SHALL TAKE
APPROPRIATE STEPS TO REMIND THE PARENT, GUARDIAN, OR PERSON IN LOCO
PARENTIS OF THE CHILD THAT THE CHILD IS REQUIRED TO HAVE THE
COMPREHENSIVE EYE AND VISION EXAMINATION DESCRIBED IN SUBDIVISION
(C).

(3) AS USED IN THIS SECTION:
(A) "EYE CARE PROFESSIONAL" MEANS A PHYSICIAN LICENSED UNDER
PART 170 OR 175 WHO SPECIALIZES IN OPHTHALMOLOGY OR AN OPTOMETRIST
LICENSED UNDER PART 174.
(B) "INDIVIDUALIZED EDUCATION PROGRAM" MEANS THAT TERM AS
DESCRIBED IN R 340.1721E OF THE MICHIGAN ADMINISTRATIVE CODE.
(C) "QUALIFIED INDIVIDUAL" MEANS THE CHILD’S TEACHER, SCHOOL
PSYCHOLOGIST, SCHOOL COUNSELOR, OR PRINCIPAL OR ADMINISTRATOR.
(D) "SECTION 504 PLAN" MEANS A PLAN UNDER SECTION 504 OF TITLE

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

Enacting section 1. This amendatory act takes effect 90 days
after the date it is enacted into law.