

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2006-240
HOUSE BILL 2699**

AN ACT TO MAKE CHANGES TO THE VISION CARE PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 130A-440.1 reads as rewritten:

"§ 130A-440.1. ~~Comprehensive eye examination required.~~Early Childhood Vision Care.

(a) Vision Screening Required for Children Entering Kindergarten. – Every child in this State entering kindergarten in the public schools, beginning with the 2007-2008 school year, shall obtain a vision screening in accordance with vision screening standards adopted by the Governor's Commission on Early Childhood Vision Care. Within 180 days of the start of the school year, the parent of the child shall present to the school principal or the principal's designee certification that the child has, within the past 12 months, obtained vision screening conducted by a licensed physician, optometrist, physician assistant, nurse practitioner, registered nurse, orthoptist, or a vision screener certified by Prevent Blindness North Carolina, or a comprehensive eye examination performed by an ophthalmologist or optometrist. The health assessment transmittal form required pursuant to G.S. 130A-440 qualifies as certification that the child has obtained the required vision screening. All providers conducting vision screening shall provide each parent in writing the results of the vision screening on forms bearing the signature of the provider supplied to the provider by the Governor's Commission on Early Childhood Vision Care. The provider shall also orally communicate this information to the parent and shall take reasonable steps to ensure that the parent understands the information communicated. In the instance where a child enters the first grade without having been enrolled in a kindergarten program requiring a vision screening, the requirements for vision screening under this subsection shall apply.

(a1) Comprehensive Eye Examination. – For children who receive and fail to pass a vision screening as required under subsection (a) of this section, a comprehensive eye examination is required. If a public school teacher, administrator, or other appropriate school personnel has reason to believe that a child enrolled in kindergarten through third grade is having problems with vision, the school personnel may recommend to the child's parent that the child have a comprehensive eye examination. Notification to the parent shall also inform the parent that funds may be available from the Governor's Commission on Early Childhood Vision Care to pay providers for the examination, including corrective lenses.

~~(b) The comprehensive eye examination required under this section shall be conducted by an optometrist or ophthalmologist licensed to practice in this State. No child shall attend kindergarten unless a comprehensive eye examination transmittal form, developed pursuant to G.S. 130A-441, indicating that the child has received the comprehensive eye examination required by this section, is presented to the school principal, except in cases where the child has moved to North Carolina within the 60 days immediately preceding school entry, in which case the child shall have 60 days from the date of school entry to submit the eye examination transmittal form required under this section. In the event a child is unable to obtain services after the 60 day period has elapsed, the principal shall report this information to the Commission so that the Commission may identify alternative ways to provide services to these children. The comprehensive eye examination shall be conducted by a duly licensed optometrist or ophthalmologist. The comprehensive eye examination conducted pursuant to this section shall consist of a complete and thorough examination of the eye and shall include: human visual system that includes an evaluation, determination, and diagnosis of:~~

- ~~(1) Measurement of visual acuity;~~
 - ~~(2) Ocular alignment and motility;~~
 - ~~(3) Depth perception – stereopsis;~~
 - ~~(4) Fusion;~~
 - ~~(5) Slit lamp examination of the lid margins, conjunctivae, cornea, anterior chamber, iris, and crystalline lens;~~
 - ~~(6) Examination of the ocular adnexa, the anterior segment, and pupils; and~~
 - ~~(7) Cycloplegic refraction and dilated fundus examination.~~
- ~~(1) Visual acuity at distance and near;~~
 - ~~(2) Alignment and ocular motility;~~
 - ~~(3) Binocular fusion abnormalities, including tracking;~~
 - ~~(4) Actual refractive errors, including verification by subject means;~~
 - ~~(5) Any color vision disorder;~~
 - ~~(6) Intraocular pressure as may be medically appropriate; and~~
 - ~~(7) Ocular health, including internal and external assessment.~~

~~Health assessment vision screening under G.S. 130A-440 does not meet the requirements of this section. is not a comprehensive eye examination for purposes of this section.~~

(c) The results of a comprehensive eye examination conducted under this section shall be included on the ~~The~~ comprehensive eye examination transmittal form developed by the Commission pursuant to G.S. 143B-216.75 and shall contain a summary of the comprehensive eye examination performed by the optometrist or ophthalmologist. Any treatment recommendations by the optometrist or ophthalmologist, such as spectacles for schoolwork, shall appear in the summary and school health card. The provider shall present a signed transmittal form to the parent upon completion of the examination. The parent shall submit the transmittal form to the school in accordance with this section.

(d) ~~This section shall not apply to children entering kindergarten in private church schools, schools of religious charter, or qualified nonpublic schools regulated by Article 39 of Chapter 115C of the General Statutes.~~

(e) G.S. 130A-441, 130A-442, and 130A-443, pertaining to health assessments, apply to comprehensive eye examinations required under this section.

(f) No child shall be excluded from attending school for a parent's failure to obtain a comprehensive eye examination required under this section. If a parent fails or refuses to obtain a comprehensive eye examination or to provide the certification of a comprehensive eye examination, the school shall send a written reminder to the parent of required eye examinations and shall include information about funds that may be available from the Governor's Commission on Early Childhood Vision Care.

(g) In adopting standards for vision screening under this section and as required under G.S. 130A-440, the Commission shall take into account the resources necessary to comply with the standards and, if standards will require additional resources, shall mitigate the impact on resources without compromising vision screening effectiveness.

(h) As used in this section, the term "parent" means the parent, guardian, or person standing in loco parentis."

SECTION 1.(b) G.S. 130A-440 reads as rewritten:

"(b) A health assessment shall include a medical history and physical examination with screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. Vision screening shall be conducted in accordance with G.S. 130A-440.1. The health assessment may also include dental screening and developmental screening for cognition, language, and motor function."

SECTION 2.(a) G.S. 143B-216.75 reads as rewritten:

"(a) There is established the Governor's Commission on Early Childhood Vision Care ("Commission"). The Commission shall be located in the Department of Health and Human Services for administrative and budgetary purposes only.

(b) The Commission shall consist of ~~six~~ 10 members appointed as follows:

- (1) ~~Two optometrists and two ophthalmologists;~~ Four optometrists, two ophthalmologists, and one general pediatrician or a family physician who provides services to children, each of whom is licensed to practice in this State, and one school nurse who is certified by the Prevent Blindness North Carolina Board, appointed by the Governor; ~~Governor.~~ Among the optometrists and ophthalmologists appointed by the Governor, one shall be a currently serving member of the Prevent Blindness North Carolina Board;
- (2) One optometrist licensed to practice in this State appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives; and
- (3) One ophthalmologist licensed to practice in this State appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.

The initial members appointed by the General Assembly shall each serve a one-year term. The initial members appointed by the Governor shall each serve a two-year term.

Subsequent appointments shall be for three-year terms. Vacancies shall be filled by the original appointing authority.

(c) The Commission shall adopt rules to implement and administer the Governor's Vision Care Program established under this section. The rules shall address:

- (1) Accepting and processing of applications by families for Program services.
- (2) ~~Verification~~ Establishment and verification of applicant income eligibility.
- (3) Reimbursement to providers for services provided to eligible participants.
- (4) Informing providers and the general public about the Program.
- (5) Other duties necessary to implement the purposes and requirements of ~~this section~~ this section, including the development of a comprehensive eye examination transmittal form required under G.S. 130A-440.1.

The Commission shall develop alternative ways for providing services to children who qualify for the Program when funding for Program services has been exhausted.

The Commission shall prepare written information for providers conducting vision screening. The written information shall state, in effect: 'Vision screening is not a substitute for a comprehensive eye examination.' The Commission shall provide copies of this information to providers so that the provider may give a copy to the parent, guardian, or person standing in loco parentis."

SECTION 2.(b) The Governor's Commission on Early Childhood Vision Care shall work with the Department of Public Instruction to establish procedures for identifying and referring children who need vision screening or a comprehensive eye examination as required by G.S. 143B-216.75.

SECTION 2.(c) The Department of Health and Human Services, Division of Public Health, shall study and determine the methodology of compiling data on the number of children who received comprehensive eye examinations, the types of problems found, and treatments provided, and shall report its findings to the Governor's Commission on Early Childhood Vision Care, the Joint Legislative Health Care Oversight Committee, the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Fiscal Research Division not later than July 1, 2007.

SECTION 2.(d) Section 10.59F(b) of S.L. 2005-276, as amended by Section 20(b) of S.L. 2005-345, is repealed.

SECTION 3. Funds appropriated to the Department of Health and Human Services, Division of Public Health, for the 2006-2007 fiscal year shall be used to reimburse providers for comprehensive eye examination services, including corrective lenses, provided to eligible families. The Division of Public Health shall work with the Governor's Commission on Early Childhood Vision Care to establish procedures for reimbursing providers. Eligibility requirements for reimbursement shall be as provided under G.S. 143B-216.75. The Governor's Commission on Early Childhood Vision Care shall establish procedures to inform parents about applying and qualifying for vision care services.

SECTION 4. The Department of Health and Human Services may use up to five percent (5%) of the funds appropriated for the Vision Care Program for the 2006-2007 fiscal year for Program operations and Commission expenses.

SECTION 5. The Governor's Commission on Early Childhood Vision Care may adopt temporary rules in accordance with G.S. 150B-21.1 to implement this act.

SECTION 6. Children who have received vision screenings prior to the availability of forms developed by the Governor's Commission on Early Childhood Vision Care in accordance with G.S. 130A-440.1 shall be deemed to have obtained the screening required under G.S. 130A-440.1, as amended by this act.

SECTION 7. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 20th day of July, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 2:18 p.m. this 13th day of August, 2006