

Effective 5/3/2023

53G-9-404 Public education vision screening.

- (1) As used in this section:
 - (a) "Health care professional" means an individual licensed under:
 - (i) Title 58, Chapter 16a, Utah Optometry Practice Act;
 - (ii) Title 58, Chapter 31b, Nurse Practice Act, if the individual is licensed for the practice of advance practice registered nursing, as defined in Section 58-31b-102;
 - (iii) Title 58, Chapter 42a, Occupational Therapy Practice Act;
 - (iv) Title 58, Chapter 67, Utah Medical Practice Act;
 - (v) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
 - (vi) Title 58, Chapter 70a, Utah Physician Assistant Act.
 - (b) "Qualifying child" means a child who:
 - (i) attends an LEA;
 - (ii) is at least three years old; and
 - (iii) is not yet 16 years old.
 - (c) "Tier one vision screening" means a lower-level evaluation of an individual's vision, as determined by Department of Health and Human Services rule.
 - (d) "Tier two vision screening" means an individual, higher-level evaluation of an individual's vision, as determined by Department of Health and Human Services rule.
- (2) The Department of Health and Human Services shall oversee public education vision screening, as described in this section.
- (3) A child who is less than nine years old and has not yet attended public school in the state shall, before attending a public school in the state, provide:
 - (a) a completed vision screening form, described in Subsection (5)(a)(i), that is signed by a health care professional; or
 - (b) a written statement signed by a parent that the child will not be screened before attending public school in the state.
- (4) The Department of Health and Human Services shall prepare and provide:
 - (a) training for a school nurse who supervises an LEA tier one vision screening clinic; and
 - (b) an online training module for a potential volunteer for an LEA tier one vision screening clinic.
- (5)
 - (a) The Department of Health and Human Services shall provide a template for:
 - (i) a form for use by a health care professional under Subsection (3)(a) to certify that a child has received an adequate vision screening; and
 - (ii) a referral form used for the referral and follow up of a qualifying child after a tier one or tier two vision screening.
 - (b) A template described in Subsection (5)(a) shall include the following statement: "A screening is not a substitute for a complete eye exam and vision evaluation by an eye doctor."
- (6) The Department of Health and Human Services shall make rules to:
 - (a) generally provide for and require the administration of tier one vision screening in accordance with this section, including an opt-out process;
 - (b) describe standards and procedures for tier one vision screening, including referral and follow up protocols and reporting a student's significant vision impairment results to the Utah Schools for the Deaf and the Blind;
 - (c) outline the qualifications of and parameters for the use of an outside entity to supervise an LEA tier one vision screening clinic when an LEA does not have a school nurse to supervise an LEA tier one vision screening clinic;

- (d) determine when a potential volunteer at an LEA tier one vision screening clinic has a conflict of interest, including if the potential volunteer could profit financially from volunteering;
 - (e) determine the regularity of tier one vision screening in order to ensure that a qualifying child receives tier one vision screening at particular intervals; and
 - (f) provide for tier two vision screening for a qualifying child, including:
 - (i) in coordination with the state board, determining mandatory and optional tier two vision screening for a qualifying child;
 - (ii) identification of and training for an individual who provides tier two vision screening;
 - (iii)
 - (A) the creation of a symptoms questionnaire that includes questions for a nonprofessionally trained individual to identify an eye focusing or tracking problem as well as convergence insufficiency of a qualifying child; and
 - (B) protocol on how to administer the symptoms questionnaire in coordination with tier two vision screening;
 - (iv) general standards, procedures, referral, and follow up protocol; and
 - (v) aggregate reporting requirements.
- (7)
- (a) In accordance with Department of Health and Human Services oversight and rule and Subsection (7)(b), an LEA shall conduct free tier one vision screening clinics for all qualifying children who attend the LEA or a school within the LEA.
 - (b) If the parent of a qualifying child requests that the qualifying child not participate in a tier one or tier two vision screening, an LEA may not require the qualifying child to receive the tier one or tier two vision screening.
- (8)
- (a) Except as provided in Subsection (8)(b), a school nurse shall supervise an LEA tier one vision screening clinic as well as provide referral and followup services.
 - (b) If an LEA does not have a school nurse to supervise an LEA tier one vision screening clinic, an LEA may, in accordance with Department of Health and Human Services rule, use an outside entity to supervise an LEA tier one vision screening clinic.
- (9)
- (a) An LEA shall ensure that a volunteer who assists with an LEA tier one vision screening clinic:
 - (i)
 - (A) is trained by a school nurse; or
 - (B) demonstrates successful completion of the training module described in Subsection (4)(b);
 - (ii) complies with the requirements of Subsection (9)(c); and
 - (iii) is supervised by a school nurse or, in accordance with Subsection (8)(b), an outside entity.
 - (b) In accordance with Department of Health and Human Services rule, an LEA may exclude a person from volunteering at an LEA tier one vision screening clinic if the person has a conflict of interest, including if the person could profit financially from volunteering.
 - (c) A volunteer who assists with an LEA tier one vision screening clinic may not market, advertise, or promote a business in connection with assisting at the LEA tier one vision screening clinic.
 - (d) A volunteer who assists with an LEA tier one vision screening clinic is not liable for damages that result from an act or omission related to the LEA tier one vision screening clinic, if the act or omission is not willful or grossly negligent.

Amended by Chapter 328, 2023 General Session