

SENATE No. 116

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act improving child eye care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/22/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/14/2023</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>4/12/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>4/12/2023</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>5/1/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/12/2023</i>

SENATE No. 116

By Mr. Moore, a petition (accompanied by bill, Senate, No. 116) of Michael O. Moore and Bruce E. Tarr for legislation to improve child eye care. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 136 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act improving child eye care.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws is hereby amended by adding after section
2 237 the following 2 sections:-

3 Section 238. There shall be a children’s vision and eye health advisory council within the
4 department.

5 The council shall be appointed by the commissioner, who shall serve as chair, and shall
6 consist of 13 additional members, including the commissioner of the Department of Elementary
7 and Secondary Education, or a designee; the Commissioner of Early Education and Care, or a
8 designee; the Assistant Secretary for MassHealth, or a designee; 1 member of the Massachusetts
9 School Nurse Organization; 1 member of the Massachusetts Society of Optometrists; 1 member

10 of the Massachusetts Society of Eye Physicians and Surgeons; 1 member of the Massachusetts
11 Chapter of the American Academy of Pediatrics; 1 member of the Massachusetts Academy of
12 Family Physicians; 1 representative from the Massachusetts League of Community Health
13 Centers; 1 member of the Massachusetts Federation for Children with Special Needs; 1 member
14 of the Children’s Vision Massachusetts Coalition; 3 parents to be appointed by the
15 commissioner, one of whom shall be a recipient of MassHealth, and one of whom shall reside in
16 a gateway city. The commissioner may appoint additional members that the commissioner
17 deems appropriate.

18 Council members shall receive no compensation for their services, but shall be allowed
19 actual and necessary expenses in the performance of their council duties.

20 The council shall consult with and advise the department on matters related to the
21 establishment, maintenance, operation and evaluation of children’s vision and eye health in the
22 Commonwealth, including but not limited to the universal children’s vision surveillance registry,
23 public health campaigns designed to encourage improved children’s eye health, and expansion of
24 screening systems to other age groups. The council shall establish recommendations for
25 improved children’s vision and eye health to facilitate short and long-term vision and eye health
26 goals.

27 The advisory council shall report findings and recommendations annually to the Joint
28 Committee on Public Health and Joint Committee on Ways and Means.

29 SECTION 2. Chapter 111 of the General Laws is further amended by adding after section
30 238 the following section:-

31 Section 238A. The department shall establish, maintain, and operate a computerized
32 registry of children’s vision screening and eye care. The registry shall record the results of vision
33 and eye health screenings and follow-up eye care and shall include appropriate controls to
34 protect the security of the system and the privacy of the information.

35 The department shall promulgate rules and regulations to implement children’s vision
36 registry.

37 All licensed healthcare providers practicing who administer vision and eye health
38 screenings and eye exams shall report to the registry such data related to screenings as the
39 department determines is necessary to ensure adequate and equitable eye care.

40 Information in the registry shall only be released from the registry to the following
41 individuals and agencies without further express consent of the individual or the individual’s
42 parent or guardian if the individual is a minor, unless the individual or the parent or guardian
43 objects to such disclosure: (1) licensed health care providers providing direct care to the
44 individual patient; (2) preschool, elementary and secondary school nurses; (3) staff of state
45 agencies or state programs whose duties include education and outreach related to the
46 improvement of children’s eye care amongst their clients.

47 The department may designate appropriate users who shall have access only to the
48 individually identifiable information for which access is authorized. Authorized users, including
49 employees of the department, who in good faith disclose or refuse to disclose information to the
50 immunization registry, shall not be liable in any cause of action arising from the disclosure or
51 nondisclosure of such information. The department may revoke access privileges for just cause.

52 Persons authorized by the commissioner may conduct research studies to further enhance
53 understanding of children’s vision needs in the Commonwealth; provided, however, that the
54 researcher shall submit a written request for information and shall execute a research agreement
55 that protects the confidentiality of the information provided.

56 Information contained in the children’s vision registry shall be confidential, shall not
57 constitute a public record, and shall not otherwise be disclosed, except in accordance with this
58 section. Such confidential information shall not be subject to subpoena or court order, and shall
59 not be admissible as evidence in any action of any kind before a court, tribunal, agency, board or
60 person.

61 The department shall establish procedures that allow for an individual, or if the individual
62 is a minor, then the individual’s parent or guardian to amend incorrect information in the
63 children’s vision registry and shall provide, upon request, a record of all individuals and agencies
64 that have accessed an individual’s information.

65 SECTION 32. Section 57 of chapter 71, as appearing in the 2020 Official Edition, is
66 hereby amended by striking out, in line 4, the words “the individual request of a parent or
67 guardian of a pupil in”,

68 SECTION 43. Said section 57 of said chapter 71, as so appearing, is hereby further
69 amended by inserting, in line 27, after the word “entering”, the following words:-

70 “preschool or”

71 SECTION 54. Said section 57 of said chapter 71, as so appearing, is hereby further
72 amended by striking out the second paragraph.

73 SECTION 65. Said section 57 of said chapter 71, as so appearing, is hereby further
74 amended by inserting, in line 52, after the word “personnel”, the following words:- and the
75 children’s vision registry established in section 238A of chapter 111.