

SENATE No. 136

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>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>7/22/2021</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/11/2022</i>
<i>John C. Velis</i>	<i>Second Hampden and Hampshire</i>	<i>1/11/2022</i>

SENATE No. 136

By Mr. Moore, a petition (accompanied by bill, Senate, No. 136) of Michael O. Moore for legislation to improve child eye care. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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. Section 57 of chapter 71, as appearing in the 2018 Official Edition, is
2 hereby amended by striking out the words “the individual request of a parent or guardian of a
3 pupil in”, in the first sentence.

4 SECTION 2. Said section 57 of said chapter 71, as so appearing, is hereby further
5 amended by inserting after the words “Upon entering”, in the fourth sentence, the following
6 words:-

7 “preschool or”

8 SECTION 3. Said section 57 of said chapter 71, as so appearing, is hereby further
9 amended by striking out the second paragraph.

10 SECTION 4. Said section 57 of said chapter 71, as so appearing is hereby further
11 amended by inserting after the words “school health personnel”, in the third paragraph, the
12 following words:- and the children’s vision registry established in section 238A of chapter 111.

13 SECTION 5. Chapter 111 of the General Laws is hereby amended by adding after section
14 237 the following 2 sections:-

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

17 The council shall be appointed by the commissioner, who shall serve as chair, and shall
18 consist of 13 additional members, including the commissioner of the Department of Elementary
19 and Secondary Education, or a designee; the Commissioner of Early Education and Care, or a
20 designee; the Assistant Secretary for MassHealth, or a designee; 1 member of the Massachusetts
21 School Nurse Organization; 1 member of the Massachusetts Society of Optometrists; 1 member
22 of the Massachusetts Society of Eye Physicians and Surgeons; 1 member of the Massachusetts
23 Chapter of the American Academy of Pediatrics; 1 member of the Massachusetts Academy of
24 Family Physicians; 1 representative from the Massachusetts League of Community Health
25 Centers; 1 member of the Massachusetts Federation for Children with Special Needs; 1 member
26 of the Children’s Vision Massachusetts Coalition; 2 parents to be appointed by the
27 commissioner, one of whom shall live in a gateway city. The commissioner may appoint
28 additional members that the commissioner deems appropriate.

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

31 The council shall consult with and advise the department on matters related to the
32 establishment, maintenance, operation and evaluation of children’s vision and eye health in the
33 Commonwealth, including but not limited to the universal children’s vision surveillance registry,
34 public health campaigns designed to encourage improved children’s eye health, and expansion of

35 screening systems to other age groups. The council shall establish recommendations for
36 improved children's vision and eye health to facilitate short and long-term vision and eye health
37 goals.

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

40 Section 238A. The department shall establish, maintain, and operate a computerized
41 registry of children's vision screening and eye care. The registry shall record the results of vision
42 and eye health screenings and follow-up eye care and shall include appropriate controls to
43 protect the security of the system and the privacy of the information.

44 The department shall promulgate rules and regulations to implement children's vision
45 registry.

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

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

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

61 Persons authorized by the commissioner may conduct research studies to further enhance
62 understanding of children's vision needs in the Commonwealth; provided, however, that the
63 researcher shall submit a written request for information and shall execute a research agreement
64 that protects the confidentiality of the information provided.

65 Information contained in the children's vision registry shall be confidential, shall not
66 constitute a public record, and shall not otherwise be disclosed, except in accordance with this
67 section. Such confidential information shall not be subject to subpoena or court order, and shall
68 not be admissible as evidence in any action of any kind before a court, tribunal, agency, board or
69 person.

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