HOUSE DOCKET, NO. 1209 FILED ON: 1/18/2023

HOUSE . . . . . No. 2132

The Commonwealth of Massachusetts

PRESENTED BY:

Christine P. Barber and Sean Garballey

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 to close the achievement gap by addressing disparities in children's vision.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Christine P. Barber	*34th Middlesex*	*1/18/2023*
Sean Garballey	*23rd Middlesex*	*1/18/2023*
Lindsay N. Sabadosa	*1st Hampshire*	*1/20/2023*
Susannah M. Whipps	*2nd Franklin*	*1/27/2023*
Vanna Howard	*17th Middlesex*	*1/30/2023*
David Paul Linsky	*5th Middlesex*	*2/6/2023*
Jon Santiago	*9th Suffolk*	*2/6/2023*
Bruce E. Tarr	*First Essex and Middlesex*	*2/21/2023*
Andres X. Vargas	*3rd Essex*	*4/3/2023*
Paul R. Feeney	*Bristol and Norfolk*	*4/5/2023*
Mary S. Keefe	*15th Worcester*	*4/5/2023*
Jessica Ann Giannino	*16th Suffolk*	*4/5/2023*
Carmine Lawrence Gentile	*13th Middlesex*	*5/5/2023*
Rebecca L. Rausch	*Norfolk, Worcester and Middlesex*	*7/7/2023*
Kristin E. Kassner	*2nd Essex*	*11/15/2023*
John Barrett, III	*1st Berkshire*	*11/27/2023*

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By Representatives Barber of Somerville and Garballey of Arlington, a petition (accompanied by bill, House, No. 2132) of Christine P. Barber, Sean Garballey and others for legislation to establish a children's vision and eye health advisory council. Public Health.

The Commonwealth of Massachusetts

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

An Act to close the achievement gap by addressing disparities in children's vision.

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

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

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

The council shall be appointed by the commissioner, who shall serve as chair, and shall consist of 13 additional members, including the commissioner of the Department of Elementary and Secondary Education, or a designee; the Commissioner of Early Education and Care, or a designee; the Assistant Secretary for MassHealth, or a designee; 1 member of the Massachusetts School Nurse Organization; 1 member of the Massachusetts Society of Optometrists; 1 member of the Massachusetts Society of Eye Physicians and Surgeons; 1 member of the Massachusetts Chapter of the American Academy of Pediatrics; 1 member of the Massachusetts Academy of Family Physicians; 1 representative from the Massachusetts League of Community Health

Centers; 1 member of the Massachusetts Federation for Children with Special Needs; 1 member of the Children's Vision Massachusetts Coalition; 3 parents to be appointed by the commissioner, one of whom shall be a recipient of MassHealth, and one of whom shall reside in a gateway city. The commissioner may appoint additional members that the commissioner deems appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"preschool or"

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

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