SENATE DOCKET, NO. 591 FILED ON: 1/14/2025

# SENATE . . . . . No. 166

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

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|---|---|---|
| *Michael O. Moore* | *Second Worcester* | |
| *James B. Eldridge* | *Middlesex and Worcester* | *3/3/2025* |
| *Joanne M. Comerford* | *Hampshire, Franklin and Worcester* | *3/13/2025* |
| *Sal N. DiDomenico* | *Middlesex and Suffolk* | *3/25/2025* |
| *Bruce E. Tarr* | *First Essex and Middlesex* | *4/3/2025* |

SENATE DOCKET, NO. 591 FILED ON: 1/14/2025

# SENATE . . . . . No. 166

By Mr. Moore, a petition (accompanied by bill, Senate, No. 166) of Michael O. Moore and James B. Eldridge for legislation to improve child eye care. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *116* OF 2023-2024.]

## The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court**
**(2025-2026)**

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. Section 57 of chapter 71, as appearing in the 2022 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 2. Said section 57 of said chapter 71, as so appearing, is hereby further amended by inserting after the word “entering”, in line 27, the following words:- “preschool or”.

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

SECTION 4. 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 38A of chapter 69.”

SECTION 5. Chapter 69 of the General Law, as so appearing, is hereby amended by adding after section 37 the following section:-

Section 38. 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 Public Health, 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 6. Chapter 69 of the General Laws, as so appearing, is further amended by adding after section 38 the following section:-

Section 38A. 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.