

By: Representative Hines

To: Education; Public Health
and Human Services

HOUSE BILL NO. 74

1 AN ACT TO CREATE THE MISSISSIPPI EYES ON SMILING STUDENTS
 2 HEALTH ACT (MESSHA); TO AMEND SECTION 37-3-87, MISSISSIPPI CODE OF
 3 1972, TO REQUIRE A COMPREHENSIVE EYE EXAMINATION FOR ALL STUDENTS
 4 ENTERING KINDERGARTEN, FIRST GRADE OR ENROLLING FOR THE FIRST TIME
 5 IN A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL; TO PROVIDE STANDARDS FOR
 6 REQUIRED EYE EXAMINATIONS; TO DIRECT THE STATE BOARD OF HEALTH TO
 7 DEVELOP AND ISSUE REGULATIONS ESTABLISHING STANDARDS FOR THE
 8 STUDENT EYE EXAMINATION PROGRAM; TO PROVIDE FOR AN ADVISORY
 9 COMMITTEE ON THE MANDATORY STUDENT EYE EXAMINATION REQUIREMENT AND
 10 THE STUDENT VISION SCREENING PROGRAM; TO REQUIRE AN ORAL HEALTH
 11 ASSESSMENT FOR ALL STUDENTS ENTERING KINDERGARTEN, FIRST GRADE OR
 12 ENROLLING FOR THE FIRST TIME IN A PUBLIC, PRIVATE OR PAROCHIAL
 13 SCHOOL; TO DIRECT THE STATE BOARD OF HEALTH TO DEVELOP AND ISSUE
 14 REGULATIONS ESTABLISHING STANDARDS FOR THE ORAL HEALTH ASSESSMENT;
 15 TO PRESCRIBE THE METHOD AND MANNER FOR REPORTING INFORMATION TO
 16 PARENTS AND SCHOOLS; TO ALLOW MEDICAL PROFESSIONALS PROVIDING
 17 VISION SCREENINGS AND ORAL HEALTH ASSESSMENT TO RECEIVE A TAX
 18 DEDUCTION FOR THE ACTUAL COST OF SERVICES PROVIDED FREE OF CHARGE
 19 TO CERTAIN STUDENTS; AND FOR RELATED PURPOSES.

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

21 **SECTION 1.** This act shall be know and may be cited as the
 22 "Mississippi Eyes on Smiling Students Health Act."

23 **SECTION 2.** Section 37-3-87, Mississippi Code of 1972, is
 24 amended as follows:

25 37-3-87. (1) Beginning July 1, 2018, every student
 26 enrolling in kindergarten or first grade, or enrolling for the



27 first time in a Mississippi public, private or parochial school
28 approved and accredited by the State Board of Education, shall be
29 required to have a comprehensive eye examination performed by an
30 optometrist or ophthalmologist. Within thirty (30) days of the
31 start of the school year, the parent or guardian of each student
32 shall present to the appropriate school health personnel evidence
33 that the student passed an eye examination within the previous six
34 (6) months. The State Board of Health, with the advice of the
35 State Board of Education, on or before July 1, 2018, shall
36 promulgate rules establishing the criteria for meeting the
37 requirements of this comprehensive eye examination which shall
38 include, but not be limited to, the following:

39 (a) A comprehensive eye examination shall include
40 measurement of visual acuity; ocular alignment and motility; depth
41 perception-stereopsis; fusion; slit lamp; examination of the
42 anterior segment and pupils; and cycloplegic refraction and
43 dilated fundus examination when deemed appropriate by the
44 examiner;

45 (b) Any eye doctor who conducts a comprehensive eye
46 examination of a student given in accordance with the provisions
47 of this section shall forward a written report of the results of
48 the examination to the parent or guardian of such student and the
49 student's primary health care provider. It shall be the
50 responsibility of the parent or guardian to forward a copy of the



51 report to school health personnel. The report shall include, but
52 not be limited to, the following:

53 (i) The date of report;

54 (ii) The name, address and date of birth of the
55 student;

56 (iii) The name of the student's school;

57 (iv) The type of examination;

58 (v) A summary of significant findings, including
59 diagnoses, medication used, duration of action of medication,
60 treatment, prognosis, whether or not a return visit is recommended
61 and if so, when;

62 (vi) Any recommended educational adjustments for
63 the child, if any, which may include: preferential seating in the
64 classroom, eyeglasses for full-time use in school, eyeglasses for
65 part-time use in school, sight-saving eyeglasses or any other
66 recommendations; and

67 (vii) The name, address and signature of the
68 examiner;

69 (c) Each public school, private and parochial school
70 approved and accredited by the State Board of Education shall give
71 notice of this eye examination requirement to the parents and
72 guardians of students in compliance with rules of the State
73 Department of Health, in conjunction with the rules of the State
74 Department of Health relating to required vaccinations for
75 students. Parents and guardians who fail to present the required



76 report shall be notified in writing of the required eye
77 examination. A school may withhold a child's report card until
78 the required report is submitted; however, no student shall be
79 excluded from attending kindergarten, first grade or another grade
80 for a parent's or guardian's failure to furnish a report of the
81 student's eye examination or an examiner's failure to furnish the
82 results of a student's comprehensive eye examination. In the
83 event that a parent or legal guardian of a student submits a
84 written request that a student be excused from having an eye
85 examination, that student shall be excused; and

86 (d) Enforcement of the provisions of this subsection
87 shall be performed by the local school superintendent, or his
88 designee, the headmaster of the private or parochial school, or
89 his designee, or the director of the kindergarten program, as
90 appropriate.

91 (* * *2) In addition to the mandatory comprehensive eye
92 examination required under subsection (1), the State Department of
93 Education is * * * authorized and empowered to establish a student
94 vision screening program to make eye screening services available
95 to students in Grades K-12 in the public schools in order to
96 detect vision problems which can lead to academic problems. * * *
97 The eye screening service shall be based on a process that is
98 screening in nature, and not diagnostic, which is intended to
99 identify with a reasonably high probability, students with a wide
100 range of eye problems who should seek the services of an eye care



101 professional for examination, diagnosis and corrective
102 recommendation. * * * The eye screening service shall provide
103 each student screened with a report of the student's screening
104 results to be taken home. Each school shall be provided with a
105 list of the students screened, and their results. Statistical
106 summaries of the screening results shall be provided to each
107 school, and composite statistics by school system, county or
108 district shall be provided to the State Department of Education.
109 The State Department of Education may contract with any legal
110 entity to administer the student vision screening program on the
111 school district level, and * * * the contract shall be let on a
112 competitive basis. State funding for * * * the program shall only
113 be available subject to appropriation by the Legislature.

114 (* * * 3) The school board of any local school district
115 shall cooperate with the State Department of Health, State
116 Department of Education and any entity under contract with the
117 departments to implement the student eye examination or vision
118 screening programs established under this section.

119 (* * * 4) Before * * * July 1, 2018, an advisory committee
120 for the mandatory student eye examination and student vision
121 screening programs comprised of six (6) eye care professionals
122 shall be appointed. The Governor, Lieutenant Governor and Speaker
123 of the House of Representatives each shall appoint one (1) member
124 from a list of nominees submitted by the Mississippi Optometric
125 Association and one (1) member from a list of nominees submitted



126 by the Mississippi Eye, Ear, Nose and Throat Association, so that
127 the advisory committee consists of three (3) representatives from
128 each organization. The members of the committee shall serve for a
129 term of four (4) years, to run concurrent with the term of the
130 Governor after the expiration of the initial term.

131 In order to protect the health, safety and welfare of
132 students as related to eye care, the advisory committee shall
133 review the procedures, methodology and nature of the mandatory
134 student eye examination requirements and the vision screening
135 services offered under any contract entered into by the State
136 Department of Health or the State Department of Education for the
137 administration of the student eye examination or student vision
138 screening programs. Any advisory opinions adopted by the
139 committee on the eye examination or vision screening process may
140 be submitted to the State Board of Education and the State Board
141 of Health for consideration or any appropriate action.

142 The advisory committee shall determine the times and
143 locations of its meetings. Members of the advisory committee
144 shall serve without compensation.

145 (5) Any additional costs for student eye examinations that
146 are not covered by existing insurance or public assistance
147 programs shall be paid by the State Department of Health from a
148 fund provided from any private or public sources, which shall not
149 exceed the allowable state Medicaid reimbursement rate for eye
150 examinations.



151 **SECTION 3.** (1) (a) Beginning July 1, 2018, every student
152 enrolling in kindergarten or first grade, or enrolling for the
153 first time in a Mississippi public, private or parochial school
154 approved and accredited by the State Board of Education shall,
155 within thirty (30) days after the start of the school year,
156 present proof of having received an oral health assessment by a
157 licensed dentist, or other licensed or registered dental health
158 professional operating within his or her scope of practice, that
159 was performed no earlier than twelve (12) months before the date
160 of the initial enrollment of the pupil.

161 (b) The State Board of Health, with the advice of the
162 State Board of Education, on or before July 1, 2018, shall
163 promulgate rules establishing the criteria for meeting the
164 requirements of this oral health assessment.

165 (c) Oral health screenings include a physical
166 examination of a child's mouth, including the lips, tongue, teeth,
167 gums and tissues to:

168 (i) Determine whether tooth eruption and loss are
169 up to schedule according to tooth development guidelines;

170 (ii) Observe tooth abnormalities and alignment of
171 teeth;

172 (iii) Observe oral plaque and debris;

173 (iv) Check for dental caries (tooth decay); and

174 (v) Check for oral injuries and other anomalies;



175 (d) Any dentist or dental hygienist who conducts an
176 oral health assessment of a student given in accordance with the
177 provisions of this section shall forward a written report of the
178 results of the examination to the parent or guardian of such
179 student and the student's primary health care provider. It shall
180 be the responsibility of the parent or guardian to forward a copy
181 of the report to school health personnel. The report shall
182 include, but not be limited to, the following:

183 (i) The date of report;

184 (ii) The name, address and date of birth of the
185 student;

186 (iii) The name of the student's school;

187 (iv) The type of examination;

188 (v) A summary of significant findings, including
189 diagnoses, medication used, duration of action of medication,
190 treatment, prognosis, whether or not a return visit is recommended
191 and if so, when; and

192 (vi) The name, address and signature of the
193 examiner.

194 (2) The parent or legal guardian of a pupil may be excused
195 from complying with subsection (1) by indicating on the form
196 described in subsection (4) that the oral health assessment could
197 not be completed because of one or more of the reasons provided in
198 subsection (4) (b) (i), (ii) and (iii).



199 (3) A school shall notify the parent or legal guardian of
200 a pupil described in subsection (1) concerning the assessment
201 requirement. The notification shall, at a minimum, consist of a
202 letter that includes all of the following:

203 (a) An explanation of the administrative
204 requirements of this section;

205 (b) Information on the importance of primary teeth;

206 (c) Information on the importance of oral health to
207 overall health and to learning;

208 (d) A toll-free telephone number to request an
209 application for the Mississippi Children's Health Insurance
210 Program (CHIP), Medicaid or other government-subsidized health
211 insurance programs;

212 (e) Contact information for county public health
213 departments; and

214 (f) A statement of privacy applicable under state
215 and federal laws and regulations.

216 (4) In order to ensure uniform data collection, the State
217 Department of Education, in consultation with interested persons,
218 shall develop and make available on its website, a standardized
219 notification form as specified in subsection (3) that shall be
220 used by each school district. The standardized form shall include
221 all of the following:

222 (a) A section that can be used by the licensed
223 dentist or other licensed or registered dental health professional



224 performing the assessment to record information that is consistent
225 with the information collected on the oral health assessment form
226 developed by the Mississippi State Board of Dental Examiners; and

227 (b) A section in which the parent or legal guardian
228 of a pupil can indicate the reason why an assessment could not be
229 completed by marking the box next to the appropriate reason. The
230 reasons for not completing an assessment shall include all of the
231 following:

232 (i) Completion of an assessment poses an undue
233 financial burden on the parent or legal guardian;

234 (ii) Lack of access by the parent or legal
235 guardian to a licensed dentist or other licensed or registered
236 dental health professional; and

237 (iii) The parent or legal guardian does not
238 consent to an assessment.

239 (5) Upon receiving completed assessments, all school
240 districts shall, by December 31 of each year, submit a report to
241 the school district's central administrative office of the county
242 in which the school district is located. The report shall include
243 all of the following:

244 (a) The total number of pupils in the district, by
245 school, who are subject to the requirement to present proof of
246 having received an oral health assessment pursuant to subsection
247 (1);



248 (b) The total number of pupils described in
249 paragraph (a) who present proof of an assessment;

250 (c) The total number of pupils described in
251 paragraph (a) who could not complete an assessment due to
252 financial burden;

253 (d) The total number of pupils described in
254 paragraph (a) who could not complete an assessment due to lack of
255 access to a licensed dentist or other licensed or registered
256 dental health professional;

257 (e) The total number of pupils described in
258 paragraph (a) who could not complete an assessment because their
259 parents or legal guardians did not consent to their child
260 receiving the assessment;

261 (f) The total number of pupils described in
262 paragraph (a) who are assessed and found to have untreated decay;
263 and

264 (g) The total number of pupils described in
265 paragraph (a) who did not return either the assessment form or the
266 waiver request to the school.

267 (6) Each school district's central administrative office
268 shall maintain the data described in subsection (5) in a manner
269 that allows the county office to release it upon an appropriate
270 public records request.

271 (7) This section does not prohibit any of the following:



272 (a) School district's central administrative offices
273 from sharing aggregate data collected pursuant to this section
274 with other governmental agencies, philanthropic organizations, or
275 other nonprofit organizations for the purpose of data analysis; or

276 (b) Use of assessment data that is compliant with
277 the federal Health Insurance Portability and Accountability Act of
278 1996 (P.L. 104-191) for purposes of conducting research and
279 analysis on the oral health status of public school pupils in
280 Mississippi.

281 (8) This section does not preclude a school district or
282 school district's central administrative office from developing an
283 onsite school-based oral health assessment program to meet the
284 requirements of this section.

285 (9) The Division of Dental Services of the State
286 Department of Health shall conduct an evaluation of the
287 requirements imposed by this section and prepare and submit a
288 report to the Legislature by January 1, 2019, that discusses any
289 improvements in the oral health of children resulting from the
290 imposition of those requirements. The Division of Dental Services
291 may receive private funds and contract with the University of
292 Mississippi Medical Center to fulfill the duties described in this
293 subsection.

294 (10) Any additional costs for student oral health
295 assessments that are not covered by existing insurance or public
296 assistance programs shall be paid by the State Department of



297 Health from a fund provided from any private or public source,
298 which shall not exceed the allowable CHIP or state Medicaid
299 reimbursement rate for dental examinations.

300 **SECTION 4.** For those students and families who are without
301 adequate insurance to cover the costs of any visual screening or
302 oral assessment required under the Mississippi Eyes on Smiles
303 Student Health Act, whether through CHIP, Medicaid or a private
304 health insurance provider, the medical professional providing the
305 vision or dental services required under the act may provide
306 services at no cost to the student or his or her family. Medical
307 profession offering in-kind services under the provisions of this
308 act shall be entitled to a tax deduction tantamount to the amount
309 of the actual cost of services rendered, provided that the medical
310 professional maintains an accurate accounting of the number of
311 students serviced and projected payment for the procedure
312 performed.

313 **SECTION 5.** This act shall take effect and be in force from
314 and after its passage.

