

By: Representative Hines

To: Education; Public Health
and Human Services

HOUSE BILL NO. 253

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 ACCREDITED BY THE STATE
 6 BOARD OF EDUCATION; TO PROVIDE STANDARDS FOR REQUIRED EYE
 7 EXAMINATIONS; TO DIRECT THE STATE BOARD OF HEALTH TO DEVELOP AND
 8 ISSUE REGULATIONS ESTABLISHING STANDARDS FOR THE STUDENT EYE
 9 EXAMINATION PROGRAM; TO REQUIRE AN ORAL HEALTH ASSESSMENT FOR ALL
 10 STUDENTS ENTERING KINDERGARTEN, FIRST GRADE OR ENROLLING FOR THE
 11 FIRST TIME IN A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL ACCREDITED BY
 12 THE STATE BOARD OF EDUCATION; TO DIRECT THE STATE BOARD OF HEALTH
 13 TO DEVELOP AND ISSUE REGULATIONS ESTABLISHING STANDARDS FOR THE
 14 ORAL HEALTH ASSESSMENT; TO PRESCRIBE THE METHOD AND MANNER FOR
 15 REPORTING INFORMATION TO PARENTS AND SCHOOLS; TO ALLOW MEDICAL
 16 PROFESSIONALS PROVIDING VISION SCREENINGS AND ORAL HEALTH
 17 ASSESSMENTS TO RECEIVE A TAX DEDUCTION EQUAL TO THE ACTUAL COST OF
 18 SERVICES PROVIDED FREE OF CHARGE TO CERTAIN STUDENTS; AND FOR
 19 RELATED PURPOSES.

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

21 **SECTION 1.** This act shall be known 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) This section shall be known and may be cited
 26 as the "Mississippi Better Sight for Better Learning Program."



27 (2) (a) The State Board of Education shall recommend a
28 child * * * enrolling in kindergarten or first grade, or enrolling
29 for the first time in a Mississippi public, private, or parochial
30 school accredited by the State Board of Education, * * * shall be
31 required to have a face-to-face comprehensive eye examination, to
32 be completed by an optometrist or ophthalmologist * * *. * * *
33 Within thirty (30) days of the start of the school year, the
34 principal, director or other person in charge of a public school
35 shall collect from the child's parent or legal guardian, evidence
36 of the child's passage of a face-to-face comprehensive eye
37 examination within the previous six (6) months, as provided by
38 regulations * * * promulgated by the State Board of Health, with
39 the advice of the State Board of Education, which establish the
40 criteria for meeting the requirements of the comprehensive
41 eye-examination. * * * In the alternative, the principal,
42 director or other person in charge of a public school shall
43 collect a signed request by the parent or legal guardian of each
44 student opting out of the face-to-face comprehensive eye
45 examination. A face-to-face comprehensive eye examination that
46 was performed within six (6) months before a child's initial
47 enrollment in a public school shall be deemed to satisfy the
48 requirement of this section. The State Board of Education shall
49 adopt rules and regulations under the authority provided in this
50 section to implement the provisions of this section.



51 (b) The minimum criteria to be used by the State
52 Department of Health in making the determination if the
53 requirements of a comprehensive eye examination has been met shall
54 include, but not be limited to, the following:

55 (i) Measurement of visual acuity; ocular alignment
56 and motility; depth perception-stereopsis; fusion; slit lamp;
57 examination of the anterior segment and pupils; and cycloplegic
58 refraction and dilated fundus examination when deemed appropriate
59 by the examiner;

60 (ii) Any eye doctor who conducts a comprehensive
61 eye examination of a student given in accordance with the
62 provisions of this section shall forward a written report of the
63 examination results to the parent or legal guardian of such
64 student and the student's primary health provider. It shall be
65 the responsibility of the parent or legal guardian to forward a
66 copy of the report to school health personnel. The report shall
67 include, but not be limited to, the following:

- 68 1. The date of the report;
69 2. The name, address and date of the birth of
70 the student;
71 3. The name of the student's school;
72 4. The type of examination;
73 5. A summary of significant findings,
74 including: diagnosis, medication used, duration of action of



75 medication, treatment, prognosis, whether or not a return visit is
76 recommended and, if so, when;

77 6. Any recommended educational adjustments
78 for the child, if any, which may include: preferential seating in
79 the classroom, eyeglasses for full-time use in school, eyeglasses
80 for part-time use in school, sight-saving eyeglasses or any other
81 recommendations; and

82 7. The name, address and signature of the
83 examiner;

84 (iii) Each public school, private and parochial
85 school approved and accredited by the State Board of Education
86 shall give notice of this eye examination requirement to the
87 parents and guardians of students in compliance with the rules of
88 the State Board of Health, and in conjunction with the rules of
89 the State Board of Health relating to required vaccinations for
90 students. Parents and legal guardians who fail to present the
91 required report shall be notified in writing of the required eye
92 examination. A school may withhold a child's report card until
93 the required report is submitted. However, no student shall be
94 excluded from attending kindergarten, first grade or another grade
95 for a parent's or guardian's failure to furnish a report of the
96 student's eye examination or an examiner's failure to furnish the
97 results of a student's comprehensive eye examination. In the
98 event that a parent or legal guardian of a student submits a



99 written request that a student be excused from having an eye
100 examination, that student shall be excused; and

101 (iv) Enforcement of the provisions of this
102 subsection shall be performed by the local school superintendent,
103 or his or her designee, the headmaster of the private or parochial
104 school, or his or her designee, or the director of the
105 kindergarten program, as appropriate.

106 (3) In addition to the comprehensive eye examination
107 required under subsection (1), the State Department of Education
108 is hereby authorized and empowered to establish a student vision
109 screening program to make eye screening services available to
110 students in Grades K-12 in the public schools in order to detect
111 vision problems which can lead to academic problems. * * * The
112 eye screening service shall be based on a process that is
113 screening in nature, and not diagnostic, which is intended to
114 identify with a reasonably high probability, students with a wide
115 range of eye problems who should seek the services of an eye care
116 professional for examination, diagnosis and corrective
117 recommendation. * * * The eye screening service shall provide
118 each student screened with a report of the student's screening
119 results to be taken home. Each school shall be provided with a
120 list of the students screened, and their results. Statistical
121 summaries of the screening results shall be provided to each
122 school, and composite statistics by school system, county or
123 district shall be provided to the State Department of Education.



124 The State Department of Education may contract with any legal
125 entity to administer the student vision screening program on the
126 school district level, and * * * the contract shall be let on a
127 competitive basis. State funding for the program shall only be
128 available subject to appropriation by the Legislature.

129 (4) The school board of any local school district shall
130 cooperate with the State Department of Education and State
131 Department of Health and any entity under contract with * * *
132 either department to implement the student face-to-face
133 comprehensive eye examination or vision screening programs
134 established under this section.

135 (5) Any additional costs for student eye examinations that
136 are not covered by existing insurance or public assistance
137 programs shall be paid by the State Department of Health from a
138 fund provided from any private or public sources, which shall not
139 exceed the allowable state Medicaid reimbursement rate for eye
140 examinations.

141 **SECTION 3.** (1) This section shall be known and may be cited
142 as the "Mississippi Healthy Smiles in Education Program."

143 (2) (a) Beginning July 1, 2024, every student enrolling in
144 kindergarten or first grade, or enrolling for the first time in a
145 Mississippi public, private or parochial school approved and
146 accredited by the State Board of Education shall, within thirty
147 (30) days after the start of the school year, present proof of
148 having received an oral health assessment by a licensed dentist,



149 or other licensed or registered dental health professional
150 operating within his or her scope of practice, that was performed
151 no earlier than twelve (12) months before the date of the initial
152 enrollment of the pupil.

153 (b) The State Board of Health, with the advice of the
154 State Board of Education, on or before July 1, 2024, shall
155 promulgate rules establishing the criteria for meeting the
156 requirements of this oral health assessment.

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

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

162 (ii) Observe tooth abnormalities and alignment of
163 teeth;

164 (iii) Observe oral plaque and debris;

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

166 (v) Check for oral injuries and other anomalies.

167 (d) Any dentist or dental hygienist who conducts an
168 oral health assessment of a student given in accordance with the
169 provisions of this section shall forward a written report of the
170 results of the examination to the parent or guardian of such
171 student and the student's primary health care provider. It shall
172 be the responsibility of the parent or guardian to forward a copy



173 of the report to school health personnel. The report shall
174 include, but not be limited to, the following:

175 (i) The date of report;

176 (ii) The name, address and date of birth of the
177 student;

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

179 (iv) The type of examination;

180 (v) A summary of significant findings, including
181 diagnoses, medication used, duration of action of medication,
182 treatment, prognosis, whether or not a return visit is recommended
183 and if so, when; and

184 (vi) The name, address and signature of the
185 examiner.

186 (3) The parent or legal guardian of a pupil may be excused
187 from complying with subsection (2) by indicating on the form
188 described in subsection (5) that the oral health assessment could
189 not be completed because of one or more of the reasons provided in
190 subsection (5) (b) (i), (ii) and (iii).

191 (4) A school shall notify the parent or legal guardian of a
192 pupil described in subsection (2) concerning the assessment
193 requirement. The notification shall, at a minimum, consist of a
194 letter that includes all of the following:

195 (a) An explanation of the administrative requirements
196 of this section;

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



198 (c) Information on the importance of oral health to
199 overall health and to learning;

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

204 (e) Contact information for county public health
205 departments; and

206 (f) A statement of privacy applicable under state and
207 federal laws and regulations.

208 (5) In order to ensure uniform data collection, the State
209 Department of Education, in consultation with interested persons,
210 shall develop and make available on its website, a standardized
211 notification form as specified in subsection (4) that shall be
212 used by each school district. The standardized form shall include
213 all of the following:

214 (a) A section that can be used by the licensed dentist
215 or other licensed or registered dental health professional
216 performing the assessment to record information that is consistent
217 with the information collected on the oral health assessment form
218 developed by the Mississippi State Board of Dental Examiners; and

219 (b) A section in which the parent or legal guardian of
220 a pupil can indicate the reason why an assessment could not be
221 completed by marking the box next to the appropriate reason. The



222 reasons for not completing an assessment shall include all of the
223 following:

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

226 (ii) Lack of access by the parent or legal
227 guardian to a licensed dentist or other licensed or registered
228 dental health professional; and

229 (iii) The parent or legal guardian does not
230 consent to an assessment.

231 (6) Upon receiving completed assessments, all school
232 districts shall, by December 31 of each year, submit a report to
233 the school district's central administrative office of the county
234 or municipality in which the school district is located. The
235 report shall include all of the following:

236 (a) The total number of pupils in the district, by
237 school, who are subject to the requirement to present proof of
238 having received an oral health assessment pursuant to subsection
239 (2);

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

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

244 (d) The total number of pupils described in paragraph
245 (a) who could not complete an assessment due to lack of access to



246 a licensed dentist or other licensed or registered dental health
247 professional;

248 (e) The total number of pupils described in paragraph
249 (a) who could not complete an assessment because their parents or
250 legal guardians did not consent to their child receiving the
251 assessment;

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

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

257 (7) Each school district's central administrative office
258 shall maintain the data described in subsection (6) in a manner
259 that allows the county office to release it upon an appropriate
260 public records request.

261 (8) This section does not prohibit any of the following:

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

266 (b) Use of assessment data that is compliant with the
267 federal Health Insurance Portability and Accountability Act of
268 1996 (Public Law 104-191) for purposes of conducting research and
269 analysis on the oral health status of public school pupils in
270 Mississippi.



271 (9) This section does not preclude a school district or
272 school district's central administrative office from developing an
273 onsite school-based oral health assessment program to meet the
274 requirements of this section.

275 (10) The Division of Dental Services of the State Department
276 of Health shall conduct an evaluation of the requirements imposed
277 by this section and prepare and submit a report to the Legislature
278 by January 1, 2025, that discusses any improvements in the oral
279 health of children resulting from the imposition of those
280 requirements. The Division of Dental Services may receive private
281 funds and contract with the University of Mississippi Medical
282 Center to fulfill the duties described in this subsection.

283 (11) Any additional costs for student oral health
284 assessments that are not covered by existing insurance or public
285 assistance programs shall be paid by the State Department of
286 Health from a fund provided from any private or public source,
287 which shall not exceed the allowable CHIP or state Medicaid
288 reimbursement rate for dental examinations.

289 **SECTION 4.** For those students and families who are without
290 adequate insurance to cover the costs of any visual screening or
291 oral assessment required under the Mississippi Eyes on Smiling
292 Students Health Act, whether through CHIP, Medicaid or a private
293 health insurance provider, the medical professional providing the
294 vision or dental services required under this act may provide
295 services at no cost to the student or his or her family. Medical



296 professionals offering in-kind services under the provisions of
297 this act shall be entitled to a tax deduction equal to the amount
298 of the actual cost of services rendered, provided that the medical
299 professional maintains an accurate accounting of the number of
300 students serviced and projected payment for the procedure
301 performed.

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

