

1 SENATE BILL 353

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Joshua Sanchez

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10 AN ACT

11 RELATING TO EDUCATION; AMENDING SECTION 22-13-30 NMSA 1978
12 (BEING LAWS 2007, CHAPTER 353, SECTION 2 AND LAWS 2007, CHAPTER
13 357, SECTION 2); REQUIRING ALL STUDENTS IN GRADE LEVELS LOWER
14 THAN FOURTH GRADE WHO ENTER PUBLIC PRESCHOOL, HEAD START OR
15 PUBLIC SCHOOL FOR THE FIRST TIME TO HAVE A COMPREHENSIVE VISION
16 EXAMINATION BY A LICENSED OPTOMETRY PRACTITIONER ON OR BEFORE
17 JANUARY 1 OF THE SCHOOL YEAR IN WHICH THEY ENROLL; PROVIDING
18 FOR THE PROMULGATION OF TRAINING REQUIREMENTS FOR SCHOOL VISION
19 SCREENERS.

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21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

22 SECTION 1. Section 22-13-30 NMSA 1978 (being Laws 2007,
23 Chapter 353, Section 2 and Laws 2007, Chapter 357, Section 2)
24 is amended to read:

25 "22-13-30. COMPREHENSIVE EYE EXAMINATIONS AND VISION

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1 SCREENING.--

2 A. Upon submission of a written request from a
3 parent or legal guardian of a student to the student's school,
4 the student shall be exempted from the requirements of this
5 section.

6 B. A student who is younger than ten years of age
7 and entering a New Mexico public school for the first time
8 shall receive a comprehensive vision examination performed by
9 an optometry practitioner licensed pursuant to the Optometry
10 Act; provided that the student did not previously receive a
11 comprehensive vision examination pursuant to the Early
12 Childhood Care and Education Act. A parent or legal guardian
13 of the student shall submit evidence of the examination
14 pursuant to Subsection C of this section to the student's
15 school on or before January 1 of the first year in which the
16 student is enrolled.

17 C. The board of optometry, in conjunction with the
18 department of health, shall promulgate rules establishing the
19 criteria for the examinations and the forms or other evidence
20 of examination required pursuant to Subsection B of this
21 section and the training requirements for persons conducting
22 vision screening pursuant to Subsection G of this section;
23 provided that the promulgated rules shall be in compliance with
24 federal health and insurance laws. A proof of examination
25 shall include the information required pursuant to Subsection E

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1 of this section, the cost and method of payment of the
2 examination and the examiner's qualifications to the extent
3 allowed pursuant to federal law.

4 D. The department in conjunction with the
5 department of health shall compile and maintain a list of
6 federal, state, local government or private programs or
7 individuals to which a student who needs a vision examination,
8 further examination or vision correction may be referred for
9 treatment on a free or reduced cost basis. The department
10 shall ensure that the local superintendent, the school
11 principal of each elementary school, the school nurse or other
12 person responsible for school health services and the parent
13 organization for each school district elementary school receive
14 an updated copy of the list each year prior to the first day of
15 the fall semester of a school year. Professional and service
16 organizations concerned with vision health may assist in
17 gathering and disseminating the information at the direction of
18 the department.

19 E. Information obtained in a comprehensive vision
20 examination pursuant to Subsection B of this section shall at
21 minimum include the following information:

- 22 (1) the student's complete case history;
23 (2) the student's aided and unaided near and
24 distance visual acuity;
25 (3) the results of an external examination and

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1 an ophthalmoscopic examination; and

2 (4) the student's subjective refraction to
3 best visual acuity.

4 F. A school shall transmit a copy of the results of
5 a comprehensive vision examination conducted pursuant to this
6 section to the department of health. The department of health
7 and the licensed optometry practitioner who conducted the
8 examination shall retain the results for seven years.

9 G. Exclusive of the comprehensive vision
10 examination required pursuant to Subsection B of this section,
11 a school nurse or the nurse's designee, a primary care health
12 provider or a lay eye screener who has received training
13 required pursuant to Subsection B of this section shall
14 administer a vision screening test for students enrolled in the
15 school in pre-kindergarten, kindergarten, first grade and third
16 grade and for transfer and new students in those grades [~~unless~~
17 a parent affirmatively prohibits the visual screening].

18 H. If any part of application of this section is
19 held to be invalid, the remainder or its application to other
20 situations or persons shall not be affected."

21 SECTION 2. A new section of the Early Childhood Care and
22 Education Act is enacted to read:

23 "[NEW MATERIAL] COMPREHENSIVE EYE EXAMINATIONS AND VISION
24 SCREENING.--

25 A. Upon submission of a written request from a

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1 parent or legal guardian of a student to the student's school,
2 the student shall be exempted from the requirements of this
3 section.

4 B. A student who is younger than six years of age
5 and is entering a New Mexico public preschool, head start or
6 public school for the first time shall receive a comprehensive
7 vision examination performed by an optometry practitioner
8 licensed pursuant to the Optometry Act. The parent or legal
9 guardian of the student shall submit evidence of the
10 examination pursuant to Subsection C of this section to the
11 student's school on or before January 1 of the first year in
12 which the student is enrolled.

13 C. The state board of optometry, in conjunction
14 with the department of health, shall promulgate rules
15 establishing the criteria for the examinations and the forms or
16 other evidence of examination required pursuant to Subsection B
17 of this section and the training requirements for persons
18 conducting vision screening pursuant to Subsection G of this
19 section; provided that the promulgated rules shall be in
20 compliance with federal health and insurance laws. A proof of
21 examination shall include the information required pursuant to
22 Subsection E of this section, the cost and method of payment of
23 the examination and the examiner's qualifications to the extent
24 allowed pursuant to federal law.

25 D. The department in conjunction with the

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1 department of health shall compile and maintain a list of
2 federal, state, local government or private programs or
3 individuals to which a student who needs a vision examination,
4 further examination or vision correction may be referred for
5 treatment on a free or reduced cost basis. The department
6 shall ensure that the superintendent of schools, the principal
7 of each public preschool, head start program or public school,
8 the school nurse or other person responsible for school health
9 services and the parent organization for each public preschool,
10 head start program or public school receives an updated copy of
11 the list each year prior to the first day of the fall semester
12 of a school year. Professional and service organizations
13 concerned with vision health may assist in gathering and
14 disseminating the information, at the direction of the
15 department.

16 E. Information obtained in a comprehensive vision
17 examination pursuant to Subsection B of this section shall at
18 minimum include the following information:

- 19 (1) the student's complete case history;
- 20 (2) the student's aided and unaided near and
21 distance visual acuity;
- 22 (3) the results of an external examination and
23 an ophthalmoscopic examination; and
- 24 (4) the student's subjective refraction to
25 best visual acuity.

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1 F. A public preschool, head start program or public
2 school shall transmit a copy of the results of a comprehensive
3 vision examination conducted pursuant to this section to the
4 department of health. The department of health and the
5 licensed optometry practitioner who conducted the examination
6 shall retain the results for seven years.

7 G. Exclusive of the comprehensive vision
8 examination required pursuant to Subsection B of this section,
9 a school nurse or the nurse's designee, a primary care health
10 provider or a lay eye screener who has received training
11 required pursuant to Subsection B of this section shall
12 administer a vision screening test for students enrolled in the
13 school in pre-kindergarten, kindergarten and first grade and
14 for transfer and new students in those grades.

15 H. If any part of application of this section is
16 held to be invalid, the remainder or its application to other
17 situations or persons shall not be affected."

18 SECTION 3. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2021.