

SENATE BILL NO. 2804
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2804 (First Reprint) with my recommendations for reconsideration.

Senate Bill No. 2804 (First Reprint) would direct the State Board of Education to require every child age six and under who is entering a public preschool, public school, or a Head Start Program for the first time to have a comprehensive eye examination completed by an optometrist or ophthalmologist by January 1st of the child's initial year of enrollment in the school or program.

I applaud the sponsors for recognizing the importance of early diagnosis and treatment of childhood vision problems to a child's success in school. The link between childhood vision screenings and academic achievement is well established; undiagnosed vision problems can profoundly impact a child's academic and social development and in some cases, can lead to permanent vision loss. I am concerned, however, that comprehensive eye examinations may be cost-prohibitive for uninsured and underinsured families. Although pediatric vision benefits are among the ten essential health benefits under the Affordable Care Act and I have been advised that the plans that the State regulates in the individual and small group markets already satisfy the requirements in this bill, there is possibly great variation in vision coverage among the large group and The Employee Retirement Income Security Act (ERISA) plans offered by employers and that many plans may not cover comprehensive eye examinations for children as defined in the bill. As a result, many families that lack or have limited health insurance coverage may find it very difficult, if not impossible, to comply with the bill's new mandate. Poor compliance could in turn result in some children not receiving vision

screenings of any kind. Such an outcome would be unacceptable and is clearly not the intended result of this legislation.

I appreciate that the bill's sponsors recognized and attempted to alleviate the financial hardship that some families may face in complying with the bill by creating a "Comprehensive Eye Examination Fund" in the Department of Education ("DOE") to cover the costs of the eye exams when insurance is not available. Unfortunately, the bill fails to identify a reliable source of funding, instead depending on the potential for future State appropriations and private donations to defray families' out-of-pocket costs.

Instead, I am recommending a more measured approach that will require all students entering public preschool, public school, or a Head Start Program to receive either a comprehensive eye exam or a vision screening that meets certain, newly established, requirements. New Jersey's current regulations only require students to receive a screening for visual acuity biennially, or every two years, from kindergarten through grade ten. I am advised by the DOE that there is currently no uniform testing standard for the visual acuity screening mandated in these regulations and that the types of vision tests offered vary district by district.

My recommended changes would significantly improve upon the existing regulations by requiring a vision screening for children six and under who are entering school for the first time, annually thereafter through fifth grade, and then every other year until graduation. Additionally, my revisions would require the Department of Health, in consultation with the DOE, to adopt uniform standards for vision screenings that would include the minimum tests that must be used in a vision screening and procedures for contacting parents or guardians of children identified as having potential vision impairments. Importantly,

these standards would also include criteria outlining when a student should be referred to an optometrist or ophthalmologist for a comprehensive eye exam, thereby facilitating comprehensive eye exams for those students who will benefit from a more intense vision evaluation and ensuring that any future public or private funding that becomes available is efficiently utilized.

Therefore, I herewith return Senate Bill No. 2804 (First Reprint) and recommend that it be amended as follows:

<u>Page 2, Title, Line_1:</u>	After "children" insert ", amending N.J.S.18A:40-4"
<u>Page 2, Section 1, Line 8:</u>	Delete "The State Board of Education" and insert "A district board of education or charter school"
<u>Page 2, Section 1, Line 11:</u>	After "ophthalmologist" insert "or vision screening pursuant to subsection b. of N.J.S.18A:40-4"
<u>Page 2, Section 1, Line 25:</u>	After "examination" insert "or vision screening pursuant to subsection b. of N.J.S.18A:40-4"
<u>Page 2, Section 1, Line 28:</u>	After "exam" insert "or vision screening pursuant to subsection b. of N.J.S. 18A:40-4"
<u>Page 2, Section 1, Line 32:</u>	After "examination" insert "or vision screening pursuant to subsection b. of N.J.S.18A:40-4"
<u>Page 2, Section 1, Lines 37-40:</u>	Delete in their entirety
<u>Page 2, Section 1, Line 41:</u>	Delete "f." and insert "e."
<u>Page 3, Section 1, Line_7:</u>	After "coverage" insert "or whose parents can demonstrate financial need"
<u>Page 3, Section 1, Line 8:</u>	Delete "g." and insert "f."
<u>Page 3, Line_13:</u>	Insert new section: "2. N.J.S.18A:40-4 is amended to read as follows: a. The medical inspector, or the nurse or licensed medical and health care personnel under the immediate direction of the medical inspector, shall examine every pupil to learn whether any physical defect exists, or in lieu

thereof the medical inspector may accept the report of such an examination by a physician licensed to practice medicine and surgery within the State or by a nurse practitioner/clinical nurse specialist certified by the New Jersey Board of Nursing working in collaboration with a physician licensed to practice medicine and surgery within the State. If any deviations in health status are detected, the nurse practitioner/clinical nurse specialist shall refer the pupil to the collaborating physician. The frequency and procedure of and selection of pupils for examinations shall comply with the rules of the State board, except in the case of vision screenings, which shall comply with the provisions of subsection b. of this section. Additionally, a screening of hearing examination shall be conducted on each pupil during the school year pursuant to rules, regulations and standards established by the State Department of Education in consultation with the State Department of Health.

b. Vision screenings shall be conducted on children age 6 and under who are entering a public preschool, public school or a Head Start Program for the first time, unless the child has received a comprehensive eye examination pursuant to P.L. _____, c. (C. _____) (pending before the Legislature as this bill), and yearly thereafter through the 5th grade and then every other year until graduation. A district board of education or charter school shall conduct the vision screenings in accordance with standards established by the Department of Health, in consultation with the Commissioner of Education. The standards shall address at a minimum the following:

(1) Minimum screening tests to be used, including such tests to evaluate distance and near visual acuity, and binocular function;

(2) Criteria for when a pupil must be referred to an

Optometrist or Ophthalmologist
for a comprehensive eye exam;
and

(3) Procedures to contact
parents or guardians of
children identified as having
potential vision impairment
based on the results of a
vision screening.

c. A pupil who presents a statement signed by his parents or guardian that such required examinations interfere with the free exercise of his religious beliefs shall be examined only to the extent necessary to determine whether he is ill or infected with a communicable disease or to determine his fitness to participate in any health, safety and physical education course required by law.

d. A health record of each pupil shall be kept, in which shall be entered the findings of each examination, and such record shall be the property of the board of education and shall be forwarded to any public school to which the pupil is transferred, if such school is known."

Page 3, Section 2, Line 14:

Delete "2." and insert "3."

Page 3, Section 1, Lines 14-15:

Delete "in the first full school year following the date of enactment" and insert "immediately and shall first apply to the 2020-2021 school year"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor