

STORAGE NAME: h3755.hcs

DATE: March 31, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE SERVICES
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3755

RELATING TO: School-entry Vision Examination

SPONSOR(S): Reps. Chestnut, Kelly, and others

COMPANION BILL(S): SB 1550 (Similar)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH CARE SERVICES
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

Florida law (s. 232.0315, F.S.) requires all first time students entering a private or public school to present certification of a school-entry health examination performed within 1 year prior to enrollment in school. This bill expands the requirement to include a school-entry comprehensive vision examination and analysis.

According to the Department of Health, this bill will result in increased costs to the department of \$7,650 for FY 1998-99 and \$4,378 in FY 1999-2000. The department also estimates the annual cost to parents of complying with the provisions of this bill at \$9 million.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Section 232.0315, F.S., relates to school-entry health examinations. The section requires the school board of each district and the governing authority of each nonpublic school to require that each child who is entitled to admittance to prekindergarten or kindergarten, or is entitled to any other initial entrance into a public or nonpublic school in this state, present a certification of a school-entry health examination performed within 1 year prior to enrollment in school. The school board of each district, and the governing authority of each nonpublic school, may establish a policy which permits a student up to 30 school days to present a certification of a school-entry health examination. Any school board which establishes such a policy must include provisions in its local school health services plan to assist students in obtaining the health examinations. However, any child is exempt from the requirement of a health examination upon written request of the parent or guardian of such child stating objections to such examination on religious grounds. The Department of Education, subject to the concurrence of the Department of Health, is required to adopt rules to govern medical examinations performed under this section.

In addition, s. 232.032, F.S., requires the school board of each district and the governing authority of each nonpublic school to establish and enforce as policy that, prior to admittance to or attendance in a public or nonpublic school, grades preschool through 12, each child present or have on file with the school a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health.

Article IX, Section 1 of the Florida Constitution requires states: "Adequate provision shall be made by law for a uniform system of free public schools..." Based on this constitutional requirement, it has been the policy of the state to provide both school-entry health examinations and immunizations to students free of charge through the county health departments if the parents choose not to obtain these services from their private physicians.

According to the Department of Health (department), an estimated 200,000 children enter school for the first time in Florida each year. Vision screening exams are currently performed for all kindergarten students as a part of basic school health services. Following the routine school screening exam, from 3 to 5 percent of children, or an estimated 10,000 children, are referred to medical providers for a comprehensive eye examination.

B. EFFECT OF PROPOSED CHANGES:

Children will be required to have a comprehensive vision examination and analysis within 1 year prior to first time school entry. School districts may provide for a policy which permits a student up to 30 school days to present a certification of compliance, after which the student must be excluded from school.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes, the bill increases the authority of the Department of Education to adopt rules to enforce the provisions of the act.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, local school districts, private schools, and health departments will have to establish policies for providing the vision services, tracking to ensure all students are in compliance, and excluding from school students who fail to comply.

(3) any entitlement to a government service or benefit?

This is uncertain. It is possible government will be required to provide a comprehensive vision examination and analysis to every first-time student into a Florida school, if the parent requests this service.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Parents may have to pay for the vision examination.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

It does place a new requirement on students for enrollment in school.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

s. 232.0315, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 232.0315, F.S., relating to school entry health examinations, to require that each child present certification of a school-entry comprehensive vision examination and analysis performed within 1 year prior to first-time entry into a Florida public or nonpublic school. The school board or governing authority of a nonpublic school is authorized to establish a policy which permits a student up to 30 days to present the certification, after which the student must be excluded from school. An exemption may be provided upon the written request of the parent or guardian of the child stating an objection to the examination on religious grounds.

Section 2. Provides an effective date of July 1 of the year in which enacted.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

The department estimates costs of \$3,670 for statewide video conference and instructional materials.

2. Recurring Effects:

The department estimates first year costs of \$3,980 and second year costs of \$4,378 for printing and distribution of forms.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

For FY 1998-99 total costs are \$7,650.

For FY 1999-00 total costs are \$4,378.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

See 3. below.

2. Recurring Effects:

See 3. below.

3. Long Run Effects Other Than Normal Growth:

The costs of implementing this legislation on local school boards and health departments is indeterminate, but will be a function of local administrative costs and costs of providing comprehensive vision examinations and analysis to students who do not obtain this service from the private sector.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Parents will be required to pay for the comprehensive vision examination and analysis or obtain the exam from the health department or a volunteer community provider. It is possible some insurance policies will cover this service.

2. Direct Private Sector Benefits:

Students who enter a Florida public or non-public school will benefit from a comprehensive vision examination and analysis, and may do better in school as a result.

3. Effects on Competition, Private Enterprise and Employment Markets:

Optometrists and ophthalmologists should see an increase in demand for their services.

D. FISCAL COMMENTS:

According to the Department, the average cost of a child's comprehensive eye exam is \$53 in Tallahassee, with a price ranging from \$43 to \$100. Medicaid will reimburse \$45 for a comprehensive vision examination, but only if a child is referred for the service by a physician as the result of an EPSDT screening. Given these price estimates, the annual cost of compliance with this bill would range from \$8.6 million to \$20 million. However, there are numerous voluntary organizations which would likely provide these services at a reduced price or for free. The proportion of this cost which will be paid by the parents, local school district, health department, private insurance, or public insurance program is uncertain.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill may result in a mandate on local governments, either school boards or county health departments, if the parent requests the vision examination be provided to their child free of charge.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

It is the goal of this bill to ensure all children are given a comprehensive vision examination and analysis prior to attending school. The enforcement mechanism used to achieve this goal is to exclude a child from school for non compliance. Current law provides for exclusion from school on medical grounds only for incomplete immunizations, quarantine due to a communicable disease (including head lice), or for failure to obtain a school entry health examination. There appears to be a clear public health policy basis for excluding from school a student who has a contagious disease or a student who has not been immunized. A weaker argument can be made to justify excluding from school a student who has not had a school-entry health examination (a communicable disease could potentially be detected, however accepting an examination which was performed up to a year prior to school entry weakens this argument). However, It would be quite difficult to justify excluding students from school on public health grounds for failure to obtain a vision examination.

There is uncertainty with regard to who will ultimately be responsible for paying for the comprehensive examination. Because of the requirement in the Florida Constitution for a uniform system of **free** public schools, it has been the policy of the state to provide immunizations and school entry health examinations free of charge through the county health departments. The constitutionality of a requirement on parents to pay for a school-entry comprehensive vision examination and analysis is uncertain.

If parents are required to pay for the examination, it could be problematic particularly for low and moderate income parents. Medicaid will only pay for a comprehensive vision examination if a referral is made for the service based on an EPSDT screening, and only 3 to 5 percent of children of such children are referred for this service. Like Medicaid, the Healthy Kids benefit package will only pay for a comprehensive vision examinations based on a referral.

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE SERVICES:

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