

By Senator Wilson

33-00064-09

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1                   A bill to be entitled  
2           An act relating to infant eye care; amending s.  
3           383.04, F.S.; requiring certain eye examinations for  
4           all infants born in hospitals in the state; revising  
5           an exception to the applicability of certain  
6           requirements concerning infant eye care; amending s.  
7           383.07, F.S.; clarifying the application of a penalty;  
8           amending ss. 627.6416 and 641.31, F.S.; providing that  
9           coverage for children under health insurance policies  
10          and health maintenance organization contracts must  
11          include certain eye examinations for infants and  
12          children; providing that the act fulfills an important  
13          state interest; providing for application; providing  
14          an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Section 383.04, Florida Statutes, is amended to  
19          read:

20           383.04 Prophylactic required for eyes of infants.—

21           (1) Every physician, midwife, or other person in attendance  
22          at the birth of a child in the state shall ~~is required to~~  
23          instill or have instilled into the eyes of the baby within 1  
24          hour after birth an effective prophylactic recommended by the  
25          Committee on Infectious Diseases of the American Academy of  
26          Pediatrics for the prevention of neonatal ophthalmia.

27           (2) Each child born in a hospital in the state must, before  
28          being discharged from the hospital, receive an eye examination  
29          using an ophthalmoscope and dilation of the pupils for detection

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30 of pediatric congenital and ocular abnormalities.

31 (3) This section does not apply to cases where the parents  
 32 file written objections with the physician, midwife, or other  
 33 person in attendance at the birth of a child ~~written objections~~  
 34 ~~on account of religious beliefs contrary to the use of drugs.~~ In  
 35 such case the physician, midwife, or other person in attendance  
 36 shall maintain a record that such measures were or were not  
 37 employed and attach thereto any written objection.

38 Section 2. Section 383.07, Florida Statutes, is amended to  
 39 read:

40 383.07 Penalty for violation.—Any person who fails to  
 41 comply with the provisions of s. 383.04(1) or s. 383.06 commits  
 42 ~~ss. 383.04-383.06 shall be guilty of~~ a misdemeanor of the second  
 43 degree, punishable as provided in s. 775.083.

44 Section 3. Paragraph (a) of subsection (2) of section  
 45 627.6416, Florida Statutes, is amended to read:

46 627.6416 Coverage for child health supervision services.—

47 (2) As used in this section, the term "child health  
 48 supervision services" means physician-delivered or physician-  
 49 supervised services that include, at a minimum, services  
 50 delivered at the intervals and scope stated in this section.

51 (a) Child health supervision services must include periodic  
 52 visits that ~~which shall~~ include a history;; a physical  
 53 examination;; a developmental assessment and anticipatory  
 54 guidance;; ~~and~~ appropriate immunizations and laboratory tests;;  
 55 and eye examinations at birth, at 6 to 8 weeks of age, and at 6  
 56 to 9 months of age, using an ophthalmoscope and dilation of the  
 57 pupils for detection of pediatric congenital and ocular  
 58 abnormalities and developmental abnormalities. Such services and

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59 periodic visits shall be provided in accordance with prevailing  
60 medical standards consistent with the Recommendations for  
61 Preventive Pediatric Health Care of the American Academy of  
62 Pediatrics.

63 Section 4. Subsection (30) of section 641.31, Florida  
64 Statutes, is amended to read:

65 641.31 Health maintenance contracts.—

66 (30) (a) All health maintenance contracts which provide  
67 coverage, benefits, or services for a member of the family of  
68 the subscriber must, as to such family member's coverage,  
69 benefits, or services, also provide that the benefits applicable  
70 for children include coverage for child health supervision  
71 services from the moment of birth to age 16 years.

72 (b) As used in this subsection, the term "child health  
73 supervision services" means physician-delivered or physician-  
74 supervised services that include, at a minimum, services  
75 delivered at the intervals and scope stated in this subsection.

76 1. Child health supervision services must include periodic  
77 visits that ~~which shall~~ include a history;  a physical  
78 examination;  a developmental assessment and anticipatory  
79 guidance; ~~and~~  appropriate immunizations and laboratory tests;  
80  and eye examinations at birth, at 6 to 8 weeks of age, and at 6  
81 to 9 months of age, using an ophthalmoscope and dilation of the  
82 pupils for detection of pediatric congenital and ocular  
83 abnormalities and developmental abnormalities. Such services and  
84 periodic visits shall be provided in accordance with prevailing  
85 medical standards consistent with the Recommendations for  
86 Preventive Pediatric Health Care of the American Academy of  
87 Pediatrics.

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88           2. Minimum benefits may be limited to one visit payable to  
89 one provider for all of the services provided at each visit  
90 cited in this subsection.

91           Section 5. The Legislature finds that this act fulfills an  
92 important state interest.

93           Section 6. This act shall take effect July 1, 2009, and  
94 sections 3 and 4 of this act apply to policies and contracts  
95 issued or renewed on or after that date.