

By Senators Farmer, Book, and Berman

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1 A bill to be entitled
2 An act relating to eye care for newborns and infants;
3 amending s. 383.04, F.S.; requiring a certain eye
4 examination for newborns; providing applicability;
5 amending s. 383.07, F.S.; clarifying application of a
6 criminal penalty; amending ss. 627.6416 and 641.31,
7 F.S.; requiring that coverage for children under
8 health insurance policies and health maintenance
9 contracts include certain eye examinations for
10 newborns and infants; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 383.04, Florida Statutes, is amended to
15 read:

16 383.04 Prophylactic and eye examination required for eyes
17 of newborns; exception infants.—

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

25 (2) Before being discharged from the hospital, each child
26 born in a hospital in this state must receive an eye
27 examination, using a direct ophthalmoscope, in which the
28 newborn's pupils are dilated to allow detection of pediatric
29 congenital and ocular abnormalities and developmental

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30 abnormalities.

31
 32 This section does not apply if a parent of the newborn files a
 33 written objection to the instillation of the prophylactic or a
 34 written objection to the eye examination with a signed informed
 35 consent explaining the risks associated with opting out of the
 36 eye examination ~~to cases where the parents file with the~~
 37 ~~physician, midwife, or other person in attendance at the birth~~
 38 ~~of a child written objections on account of religious beliefs~~
 39 ~~contrary to the use of drugs.~~ If such an objection is filed, In
 40 ~~such case~~ the physician, midwife, or other person in attendance
 41 shall maintain a record that reflects that the instillation or
 42 eye examination was not performed ~~such measures were or were not~~
 43 ~~employed~~ and shall attach the ~~thereto any~~ written objection.

44 Section 2. Section 383.07, Florida Statutes, is amended to
 45 read:

46 383.07 Penalty for violation.—Any person who fails to
 47 comply with s. 383.04(1) or s. 383.06 ~~commits the provisions of~~
 48 ~~ss. 383.04-383.06 shall be guilty of a misdemeanor of the second~~
 49 ~~degree, punishable as provided in s. 775.083.~~

50 Section 3. Paragraph (a) of subsection (2) of section
 51 627.6416, Florida Statutes, is amended to read:

52 627.6416 Coverage for child health supervision services.—

53 (2) As used in this section, the term “child health
 54 supervision services” means physician-delivered or physician-
 55 supervised services that include, at a minimum, services
 56 delivered at the intervals and scope stated in this section.

57 (a) Child health supervision services must include:

58 1. Periodic visits ~~that which shall~~ include the taking of a

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59 history, a physical examination, a developmental assessment and
60 anticipatory guidance, and appropriate immunizations and
61 laboratory tests; and

62 2. Eye examinations, using a direct ophthalmoscope, at
63 birth or within 2 weeks, at 6 to 8 weeks of age, and at 6 to 9
64 months of age in which the child's pupils are dilated to allow
65 for detection of pediatric congenital and ocular abnormalities
66 and developmental abnormalities.

67
68 Such services must ~~and periodic visits shall~~ be provided in
69 accordance with prevailing medical standards consistent with the
70 Recommendations for Preventive Pediatric Health Care of the
71 American Academy of Pediatrics.

72 Section 4. Paragraph (b) of subsection (30) of section
73 641.31, Florida Statutes, is amended to read:

74 641.31 Health maintenance contracts.—

75 (30)

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

80 1. Child health supervision services must include:

81 a. Periodic visits that ~~which shall~~ include the taking of a
82 history, a physical examination, a developmental assessment and
83 anticipatory guidance, and appropriate immunizations and
84 laboratory tests; and

85 b. Eye examinations, using a direct ophthalmoscope, at
86 birth or within 2 weeks, at 6 to 8 weeks of age, and at 6 to 9
87 months of age in which the child's pupils are dilated to allow

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88 for detection of pediatric congenital and ocular abnormalities
89 and developmental abnormalities.

90 2. Such services and periodic visits must ~~shall~~ be provided
91 in accordance with prevailing medical standards consistent with
92 the Recommendations for Preventive Pediatric Health Care of the
93 American Academy of Pediatrics.

94 ~~3.2.~~ Minimum benefits may be limited to one visit payable
95 to one provider for all of the services provided at each visit
96 cited in this subsection.

97 Section 5. This act shall take effect July 1, 2020.