

LFC Requester:	Liu
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**AGENCY BILL ANALYSIS
2021 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date 2/18/2021
Bill No: SB353

Sponsor: Sen. Joshua A. Sanchez
Short Title: EYE TESTS FOR SCHOOL KIDS

Agency Name and Code PED - 924
Number: _____
Person Writing John Sena
Phone: 505-570-7816 **Email** John.Sena@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		
NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		
NFI	NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 353 (SB353) would amend [Section 22-13-30 NMSA 1978](#), related to vision screening, to require a student younger than 10 years of age entering a New Mexico public school for the first time to receive a comprehensive vision examination performed by an optometry practitioner licensed pursuant to the Optometry Act, provided the student did not previously receive a comprehensive vision examination pursuant to the Early Childhood Care and Education Act. A parent or legal guardian of the student would be required to submit evidence of the examination pursuant to provisions of the bill to the student's school on or before January 1 of the first year in which the student is enrolled. SB353 would provide an exception for students whose parent or legal guardian submits a written request to the student's school.

SB353 would require a public preschool, head start program, or public school to transmit a copy of the results of a comprehensive vision examination conducted pursuant to the provisions of the bill to the Department of Health (DOH). DOH and the licensed optometry practitioner who conducted the examination would be required to retain the results for seven years.

Exclusive of the comprehensive vision examination, a school nurse or the nurse's designee, a primary care health provider, or a lay eye screener who has received training required pursuant to the provisions of the bill, would be required to administer a vision screening test for students enrolled in the school in pre-kindergarten, kindergarten, and first grade, and for transfer and new students in those grades.

SB353 notes if any part of application of the provisions of the bill is held to be invalid, the remainder or its application to other situations or persons would not be affected. The effective date of the provisions of the bill is July 1, 2021.

FISCAL IMPLICATIONS

SB353 does not contain an appropriation.

SIGNIFICANT ISSUES

Similarly, SB353 would create a new section of the Early Childhood Care and Education Act to require a student younger than six years of age entering a New Mexico public preschool, head start, or public school for the first time to receive a comprehensive vision examination performed

by an optometry practitioner licensed pursuant to the Optometry Act. The parent or legal guardian of the student would be required to submit evidence of the examination pursuant to the provisions of the bill to the student's school on or before January 1 of the first year in which the student is enrolled. SB353 would allow an exception for students whose parent or legal guardian submits a written request to the student's school to be exempt from the requirements of the bill.

Early detection and prompt treatment of ocular disorders in children is important to avoid lifelong visual impairment. Examination of the eyes should be performed beginning in the newborn period and at all well-child visits. Newborns should be examined for ocular structural abnormalities, such as cataract, corneal opacity, and ptosis, which are known to result in visual problems. Vision assessment beginning at birth is endorsed by the [American Academy of Pediatrics](#) and other leading pediatric groups.

One issue of concern is the potential lack of access to a licensed optometry practitioner, as would be required by SB353. Many students, especially those living in rural areas, may have difficulty accessing this type of provider without extensive travel. To further complicate access issues, many optometry providers in the state do not accept Medicaid. Nearly half of New Mexico children receive Medicaid benefits, which may create an additional barrier to accessing a vision provider. Although families have the option to request an exemption, as outlined in SB353, lack of access may obligate families to take this route and may create a situation of stigmatization surrounding their decision to opt-out of this comprehensive eye examination requirement.

Unrelated to student health, SB353 would require schools to collect the cost of eye examinations and the methods of payment and transmit to DOH. The legislation does not make clear the purpose of this particular data collection, and families may be uncomfortable with such information being collected and shared.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

SB353 would require the State Board of Optometry, in conjunction with DOH, to promulgate rules establishing the criteria for the examinations and the forms or other evidence of examination required pursuant to the provisions of the bill and the training requirements for persons conducting vision screening pursuant to the provisions of the bill, provided the promulgated rules are in compliance with federal health and insurance laws. Proof of examinations would be required to include the cost and method of payment of the examination, the examiner's qualifications to the extent allowed pursuant to federal law, and, at minimum, the following information:

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

SB353 would require the Public Education Department (PED), in conjunction with DOH, to compile and maintain a list of federal, state, local government or private programs or individuals to which a student who needs a vision examination, further examination or vision correction may be referred for treatment on a free or reduced cost basis. The PED would be required to ensure

the superintendent of schools, the principal of each public preschool, head start program or public school, the school nurse or other person responsible for school health services and the parent organization for each public preschool, head start program or public school receives an updated copy of the list each year prior to the first day of the fall semester of a school year. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the PED. SB353 would apply the same requirements of the PED to the ECECD.

SB353 would require existing PED staff to communicate the requirements of the bill with public school communities to ensure compliance with the DOH rule. SB353 would impose additional administrative burdens on schools to collect, submit, and maintain the newly required documentation. Schools would need to ensure a process is in place for transmitting the required evidence to the DOH.

SB353 would require the PED to amend [7.30.11 NMAC, Vision Screening Test Standards for Students](#).

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

While [7.30.11 NMAC, Vision Screening Test Standards for Students](#), requires vision screenings for public school students in kindergarten, first, and third grade, there is no requirement for a comprehensive eye examination for school entry.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

N/A