

**HOUSE . . . . . No. 2231**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Christine P. Barber and Sean Garballey***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act improving child eye health.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/19/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/19/2021</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>2/26/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/26/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/26/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>3/11/2021</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>3/11/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>3/11/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>3/17/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>3/25/2021</i>

**HOUSE . . . . . No. 2231**

By Representatives Barber of Somerville and Garballey of Arlington, a petition (accompanied by bill, House, No. 2231) of Christine P. Barber, Sean Garballey and others for legislation to establish a children’s vision and eye health advisory council within the Department of Public Health. Public Health.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act improving child eye health.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 111 of the General Laws is hereby amended by adding after section  
2 237 the following 2 sections:-

3 Section 238. There shall be a children’s vision and eye health advisory council within the  
4 department.

5 The council shall be appointed by the commissioner, who shall serve as chair, and shall  
6 consist of 13 additional members, including the commissioner of the Department of Elementary  
7 and Secondary Education, or a designee; the Commissioner of Early Education and Care, or a  
8 designee; the Assistant Secretary for MassHealth, or a designee; 1 member of the Massachusetts  
9 School Nurse Organization; 1 member of the Massachusetts Society of Optometrists; 1 member  
10 of the Massachusetts Society of Eye Physicians and Surgeons; 1 member of the Massachusetts  
11 Chapter of the American Academy of Pediatrics; 1 member of the Massachusetts Academy of

12 Family Physicians; 1 representative from the Massachusetts League of Community Health  
13 Centers; 1 member of the Massachusetts Federation for Children with Special Needs; 1 member  
14 of the Children’s Vision Massachusetts Coalition; 2 parents to be appointed by the  
15 commissioner, one of whom shall be a recipient of MassHealth. The commissioner may appoint  
16 additional members that the commissioner deems appropriate.

17 Council members shall receive no compensation for their services, but shall be allowed  
18 actual and necessary expenses in the performance of their council duties.

19 The council shall consult with and advise the department on matters related to the  
20 establishment, maintenance, operation and evaluation of children’s vision and eye health in the  
21 Commonwealth, including but not limited to the universal children’s vision surveillance registry,  
22 public health campaigns designed to encourage improved children’s eye health, and expansion of  
23 screening systems to other age groups. The council shall establish recommendations for  
24 improved children’s vision and eye health to facilitate short and long-term vision and eye health  
25 goals.

26 The advisory council shall report findings and recommendations annually to the Joint  
27 Committee on Public Health and Joint Committee on Ways and Means.

28 Section 238A. The department shall establish, maintain, and operate a computerized  
29 registry of children’s vision screening and eye care. The registry shall record the results of vision  
30 and eye health screenings and follow-up eye care and shall include appropriate controls to  
31 protect the security of the system and the privacy of the information.

32 The department shall promulgate rules and regulations to implement children’s vision  
33 registry.

34 All licensed healthcare providers practicing who administer vision and eye health  
35 screenings and eye exams shall report to the registry such data related to screenings as the  
36 department determines is necessary to ensure adequate and equitable eye care.

37 Information in the registry shall only be released from the registry to the following  
38 individuals and agencies without further express consent of the individual or the individual's  
39 parent or guardian if the individual is a minor, unless the individual or the parent or guardian  
40 objects to such disclosure: (1) licensed health care providers providing direct care to the  
41 individual patient; (2) preschool, elementary and secondary school nurses; (3) staff of state  
42 agencies or state programs whose duties include education and outreach related to the  
43 improvement of children's eye care amongst their clients.

44 The department may designate appropriate users who shall have access only to the  
45 individually identifiable information for which access is authorized. Authorized users, including  
46 employees of the department, who in good faith disclose or refuse to disclose information to the  
47 immunization registry, shall not be liable in any cause of action arising from the disclosure or  
48 nondisclosure of such information. The department may revoke access privileges for just cause.

49 Persons authorized by the commissioner may conduct research studies to further enhance  
50 understanding of children's vision needs in the Commonwealth; provided, however, that the  
51 researcher shall submit a written request for information and shall execute a research agreement  
52 that protects the confidentiality of the information provided.

53 Information contained in the children's vision registry shall be confidential, shall not  
54 constitute a public record, and shall not otherwise be disclosed, except in accordance with this  
55 section. Such confidential information shall not be subject to subpoena or court order, and shall

56 not be admissible as evidence in any action of any kind before a court, tribunal, agency, board or  
57 person.

58 The department shall establish procedures that allow for an individual, or if the individual  
59 is a minor, then the individual's parent or guardian to amend incorrect information in the  
60 children's vision registry and shall provide, upon request, a record of all individuals and agencies  
61 that have accessed an individual's information.

62 SECTION 2. Section 57 of chapter 71, as appearing in the 2018 Official Edition, is  
63 hereby amended by striking out the words "the individual request of a parent or guardian of a  
64 pupil in", in the first sentence.

65 SECTION 3. Said section 57 of said chapter 71, as so appearing, is hereby further  
66 amended by inserting after the words "Upon entering", in the third sentence, the following  
67 words:-

68 "preschool or"

69 SECTION 4. Said section 57 of said chapter 71, as so appearing, is hereby further  
70 amended by striking out the second paragraph.

71 SECTION 5. Said section 57 of said chapter 71, as so appearing is hereby further  
72 amended by inserting after the words "school health personnel", in the third paragraph, the  
73 following words:- and the children's vision registry established in section 238A of chapter 111.