

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HOUSE BILL 2065

AN ACT

AMENDING SECTIONS 36-899, 36-899.01, 36-899.02, 36-899.03 AND 36-899.04,
ARIZONA REVISED STATUTES; RELATING TO CHILD HEARING AND VISION SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading change

3 A. The chapter heading of title 36, chapter 7.2, Arizona Revised
4 Statutes, is changed from "CHILD HEARING PROGRAMS" to "CHILD HEARING AND
5 VISION PROGRAMS".

6 B. The article heading of title 36, chapter 7.2, article 1, Arizona
7 Revised Statutes, is changed from "PROGRAM OF HEARING EVALUATION SERVICES" to
8 "HEARING EVALUATION SERVICES AND VISION SCREENING EVALUATION SERVICES
9 PROGRAMS".

10 Sec. 2. Section 36-899, Arizona Revised Statutes, is amended to read:
11 36-899. Definitions

12 In this chapter, unless the context otherwise requires:

13 1. "Department" means the department of health services.

14 2. "Director" means the director of the department of health services.

15 3. "Hearing evaluation services" means services ~~which~~ **THAT** include the
16 identification, testing, ~~AND~~ **AND** evaluation **OF A CHILD'S HEARING** and **THE**
17 initiation of follow-up services, as ~~defined in the~~ **PRESCRIBED BY** rules ~~and~~
18 ~~regulations of~~ **ADOPTED BY** the department, ~~as provided by~~ **PURSUANT TO** section
19 36-899.03.

20 4. "Hearing screening evaluation" means the evaluation of the ability
21 to hear certain frequencies at a consistent loudness.

22 5. "Private education program" means all programs of private education
23 offering courses of study for ~~grades, CHILDREN IN~~ kindergarten ~~through the~~
24 ~~twelfth grade of high school~~ **PROGRAMS AND ANY OF GRADES ONE THROUGH TWELVE.**

25 6. "Public education program" means all kindergarten, primary and
26 secondary programs of education within the public school system, including
27 but not beyond the twelfth grade of common or high school.

28 **7. "VISION SCREENING EVALUATION" MEANS THE EVALUATION OF VISUAL**
29 **ACUITY, STEREOPSIS OR COLOR DEFICIENCY.**

30 **8. "VISION SCREENING EVALUATION SERVICES" MEANS SERVICES THAT INCLUDE**
31 **THE IDENTIFICATION, TESTING, EVALUATION AND INITIATION OF FOLLOW-UP SERVICES.**

32 Sec. 3. Section 36-899.01, Arizona Revised Statutes, is amended to
33 read:

34 36-899.01. **Programs for all schoolchildren; administration;**
35 **program termination**

36 A. A program of hearing evaluation services is established by the
37 department. ~~Such~~ **THESE** services shall be administered to all children as
38 early as ~~possible,~~ **PRACTICABLE** but ~~in no event~~ **NOT** later than the first year
39 of attendance in any public or private education program, or residential
40 facility for children with disabilities, and thereafter as circumstances
41 ~~permit~~ **ALLOW** until the child has attained ~~the age of~~ sixteen years **OF AGE** or
42 is no longer enrolled in a public or private education program.

1 B. The program of hearing evaluation services for children in a public
2 education program shall be administered by the department with the aid of the
3 department of education.

4 C. A PROGRAM OF VISION SCREENING EVALUATION SERVICES IS ESTABLISHED BY
5 THE DEPARTMENT. THESE SERVICES SHALL BE ADMINISTERED TO ALL CHILDREN AS
6 EARLY AS PRACTICABLE BUT NOT LATER THAN THE FIRST YEAR OF ATTENDANCE IN ANY
7 PUBLIC OR PRIVATE EDUCATION PROGRAM, OR RESIDENTIAL FACILITY FOR CHILDREN
8 WITH DISABILITIES. VISUAL ACUITY AND STEREOPSIS SCREENING SHALL BE CONDUCTED
9 ANNUALLY THROUGH THE FOURTH GRADE, AND EACH CHILD SHALL RECEIVE A ONE-TIME
10 EVALUATION OF COLOR DEFICIENCY. VISUAL ACUITY SCREENING SHALL BE CONDUCTED
11 EVERY OTHER YEAR UNTIL THE CHILD HAS ATTAINED SIXTEEN YEARS OF AGE OR IS NO
12 LONGER ENROLLED IN A PUBLIC OR PRIVATE EDUCATION PROGRAM. ALL CHILDREN WHO
13 ARE NEW TO A SCHOOL DISTRICT, WHO ARE RECEIVING SPECIAL EDUCATION SERVICES
14 AND FOR WHOM A REQUEST HAS BEEN MADE BY A PARENT, TEACHER OR OTHER
15 PROFESSIONAL SHALL RECEIVE A VISION SCREENING EVALUATION. ALL PARTICIPANTS
16 SHALL BE NOTIFIED THAT THE SCREENING DOES NOT TAKE THE PLACE OF A
17 COMPREHENSIVE ANNUAL EYE EXAM. THE PARENTS OF A STUDENT THAT FAILS A
18 SCREENING SHALL BE ADVISED TO HAVE THE STUDENT RECEIVE A COMPREHENSIVE EYE
19 EXAM.

20 D. THE PROGRAM OF VISION SCREENING EVALUATION SERVICES FOR CHILDREN IN
21 A PUBLIC OR PRIVATE EDUCATION PROGRAM SHALL BE ADMINISTERED AND PROVIDED BY
22 THE DEPARTMENT, AT NO COST TO THIS STATE OR TO SCHOOL DISTRICTS, WITH ONE OR
23 MORE VISION SCREENING NONPROFIT ORGANIZATIONS IN THIS STATE THAT HAVE THE
24 ABILITY TO COLLECT AND MAINTAIN VISION SCREENING DATA. ANY SELECTED
25 ORGANIZATIONS SHALL PROVIDE VISION SCREENING EVALUATION SERVICES AND DATA
26 MANAGEMENT THAT COMPLY WITH THE HEALTH INSURANCE PORTABILITY AND
27 ACCOUNTABILITY ACT OF 1996 AT NO ADDITIONAL COST TO THIS STATE. ANY SELECTED
28 NONPROFIT ORGANIZATIONS MAY SEEK GIFTS, GRANTS, CORPORATE SPONSORSHIPS AND
29 DONATIONS TO PAY FOR THE VISION SCREENING EVALUATIONS AND DATA MANAGEMENT
30 SYSTEM. REASONABLE ADMINISTRATIVE COSTS DIRECTLY ASSOCIATED WITH THE
31 IMPLEMENTATION OF THE VISION SCREENING EVALUATION SERVICE PROGRAM SHALL BE
32 COVERED BY THE VISION SCREENING NONPROFIT ORGANIZATIONS SELECTED PURSUANT TO
33 THIS SECTION.

34 E. ON OR BEFORE DECEMBER 31, 2016, THE DEPARTMENT SHALL SELECT ONE OR
35 MORE VISION SCREENING NONPROFIT ORGANIZATIONS IN THIS STATE TO PROVIDE VISION
36 SCREENING EVALUATIONS AND DATA MANAGEMENT THAT COMPLY WITH THE HEALTH
37 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996.

38 F. SCHOOL DISTRICTS THAT ALREADY PROVIDE VISION SCREENING EVALUATION
39 SERVICES IN ACCORDANCE WITH SCREENING REQUIREMENTS ESTABLISHED UNDER THIS
40 SECTION MAY CONTINUE TO PROVIDE THOSE SERVICES BUT SHALL PROVIDE TO THE
41 DEPARTMENT, AT NO ADDITIONAL COST TO THIS STATE, ANNUAL DATA SUBMISSIONS THAT
42 COMPLY WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996.

43 G. ALL COLLECTED DATA RELATING TO VISION SCREENING EVALUATION SERVICES
44 IS THE PROPERTY OF THE DEPARTMENT. ORGANIZATIONS SELECTED UNDER THIS SECTION

1 DO NOT HAVE ANY OWNERSHIP OF THE DATA OR ANY RIGHTS TO ACCESS THE DATA
2 WITHOUT THE PERMISSION OF THE DEPARTMENT.

3 H. THE IMPLEMENTATION SCHEDULE SHALL START ON OR BEFORE JUNE 30,
4 2017. THE DEPARTMENT SHALL ESTABLISH WITH THE SELECTED ORGANIZATIONS A
5 TIMELINE FOR FULL IMPLEMENTATION OF VISION SCREENING EVALUATIONS THROUGHOUT
6 THE STATE THAT IS NOT LATER THAN FIVE YEARS AFTER THE DATE THE DEPARTMENT
7 CONTRACTS WITH THE ORGANIZATIONS.

8 I. THE DEPARTMENT SHALL NOTIFY THE GOVERNOR, THE PRESIDENT OF THE
9 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES IF THE SELECTED
10 ORGANIZATIONS ARE UNABLE TO MEET THE IMPLEMENTATION SCHEDULE, AT NO COST TO
11 THE STATE, THE DEPARTMENT OR TO SCHOOL DISTRICTS, PRESCRIBED IN SUBSECTION H
12 OF THIS SECTION.

13 J. THE PROGRAM ESTABLISHED PURSUANT TO SUBSECTION C OF THIS SECTION
14 ENDS ON JULY 1, 2026 PURSUANT TO SECTION 41-3102.

15 Sec. 4. Section 36-899.02, Arizona Revised Statutes, is amended to
16 read:

17 36-899.02. Powers of the department; limitations

18 A. The department ~~may~~, in administering the ~~program of~~ hearing
19 EVALUATION SERVICES AND VISION SCREENING evaluation services PROGRAMS, MAY:

20 1. Provide consulting services, ~~AND~~ establish or supplement hearing
21 evaluation services AND VISION SCREENING EVALUATION SERVICES in local health
22 departments, public or private education programs or other community
23 agencies.

24 2. Provide for the training of personnel to administer hearing
25 screening evaluations AND VISION SCREENING EVALUATIONS.

26 3. Delegate powers and duties to other state agencies, county and
27 local health departments, county and local boards of education or boards of
28 trustees of private education programs or other community agencies to develop
29 and maintain periodic hearing evaluation services AND VISION SCREENING
30 EVALUATION SERVICES.

31 4. Provide services by contractual arrangement for the development and
32 maintenance of periodic hearing evaluation services AND VISION SCREENING
33 EVALUATION SERVICES.

34 5. Accept reports of hearing evaluation AND VISION SCREENING
35 EVALUATION from qualified medical or other professional specialists WHO ARE
36 employed by parents or guardians for hearing evaluation AND VISION SCREENING
37 EVALUATION when ~~such~~ THESE reports are submitted to the department.

38 B. The department shall not replace any qualified existing service.

39 Sec. 5. Section 36-899.03, Arizona Revised Statutes, is amended to
40 read:

41 36-899.03. Rules

42 The director shall ~~develop~~ ADOPT rules ~~and regulations~~ governing
43 standards, procedures, techniques, DATA MANAGEMENT and criteria for

1 conducting and administering hearing evaluation services AND VISION SCREENING
2 EVALUATION SERVICES.

3 Sec. 6. Section 36-899.04, Arizona Revised Statutes, is amended to
4 read:

5 36-899.04. Right of parent or guardian to refuse test

6 ~~No~~ A child ~~shall be~~ IS NOT required to submit to any test required by
7 this chapter if a parent or guardian of the child objects and submits a
8 statement of ~~such~~ objection to the ~~agency~~ ORGANIZATION administering ~~such~~ THE
9 hearing evaluation services OR VISION SCREENING EVALUATION SERVICES.