

SENATE BILL No. 62

By Committee on Education

1-25

Proposed Amendments to
Senate Bill No. 62
House Committee on Education
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1 AN ACT concerning schools; relating to student vision screenings and the
2 standards therefor; establishing the Kansas children's vision health and
3 school readiness commission; ~~authorizing schools to maintain~~
4 ~~albuterol kits for emergency use;~~ amending K.S.A. ~~65-1680, 65-~~
5 ~~2872b, 72-6241 and, 72-6242 and 72-6283~~ and repealing the existing
6 sections.
7 and

Strike in lines 3, 4 and 5

8 *Be it enacted by the Legislature of the State of Kansas:*
9 ~~Section 1. K.S.A. 65-1680 is hereby amended to read as follows:~~
10 ~~65-1680. The state board of pharmacy may adopt any rules and~~
11 ~~regulations which that the board deems necessary in relation to the~~
12 ~~maintenance of epinephrine kits and albuterol kits under K.S.A. 72-~~
13 ~~6483, and amendments thereto.~~

Strike all in lines 9-36

14 ~~Sec. 2. K.S.A. 65-2872b is hereby amended to read as follows: 65-~~
15 ~~2872b. (a) The practice of the healing arts shall not be construed to~~
16 ~~include any person administering epinephrine, or any school nurse or~~
17 ~~nurse's designee administering albuterol, in emergency situations to a~~
18 ~~student or a member of a school staff if:~~

19 ~~(1) (A) The person administering the epinephrine reasonably~~
20 ~~believes that the student or staff member is exhibiting the signs and~~
21 ~~symptoms of an anaphylactic reaction; or~~

22 ~~(B) the school nurse or nurse's designee administering the albuterol~~
23 ~~reasonably believes that the individual is exhibiting the signs and~~
24 ~~symptoms of respiratory distress;~~

25 ~~(2) a physician has authorized, in writing, the school to maintain~~
26 ~~a stock supply of epinephrine or albuterol; and~~

27 ~~(3) the epinephrine or albuterol is administered at school, on~~
28 ~~school property or at a school-sponsored event.~~

29 ~~(b) Any person who gratuitously and in good faith renders~~
30 ~~emergency care or treatment through the administration of~~
31 ~~epinephrine, or any school nurse or nurse's designee who gratuitously~~
32 ~~and in good faith renders emergency care or treatment through the~~
33 ~~administration of albuterol, to a student or a member of a school staff at~~
34 ~~school, on school property or at a school-sponsored event shall not be~~
35 ~~held liable for any civil damages as a result of such care or~~
36 ~~administration or as a result of any act or failure to act in providing or~~

Strike all in lines 1-3

1 ~~arranging further medical treatment where the person acts as an~~
2 ~~ordinary reasonably prudent person would have acted under the same~~
3 ~~or similar circumstances.~~

4 ~~Section 1.~~ Sec. 3. K.S.A. 72-6241 is hereby amended to read as
5 follows: 72-6241. As used in this act:

- 6 (a) ~~"School board" means the governing body of any school;~~
- 7 (b) ~~"school" means all elementary and high schools;~~
- 8 (e) *"Accredited nonpublic school" means all nonpublic elementary*
9 *and secondary schools accredited by the state board of education;*
- 10 (b) *"basic vision screening" means an age-appropriate eye testing*
11 *program for each child based on a test chart which is graduated as to size*
12 *of symbols, or the so-called Snellen test, or any other system or method of*
13 *testing equal thereto or better in the judgment of the school board that is*
14 *implemented according to the most recent edition of the Kansas vision*
15 *screening requirements and guidelines and includes referrals for eye*
16 *examinations and necessary follow-ups;*
- 17 (c) *"board of education" means the board of education of any school*
18 *district;*
- 19 (d) *"IDEA part B" means all statewide programs providing special*
20 *education and related services to children with disabilities aged 3 through*
21 *5 in accordance with 20 U.S.C. § 1411, and amendments thereto;*
- 22 (e) *"school district" means any school district organized under the*
23 *laws of this state; and*
- 24 (f) *"vision screener" means any school nurse, or the nurse's designee,*
25 *or other person who is trained to administer a vision screening test to*
26 *students in the state of Kansas.*

27 ~~Sec. 2.~~ 4. K.S.A. 72-6242 is hereby amended to read as follows: 72-
28 6242. (a) *Basic vision screening shall be provided without charge in*
29 *accordance with the following:*

- 30 (1) ~~Each school board shall provide basic vision screening without~~
31 ~~charge to every pupil Annually, for every child participating in IDEA part~~
32 ~~B programs;~~
- 33 (2) *at least once each school year for students enrolled in each*
34 *kindergarten and each of the grades one through three, five, seven and 10*
35 *in a school under the governance of such school board not less than once*
36 *every two (2) years. All such tests district or an accredited nonpublic*
37 *school; and*
- 38 (3) *within the first year of admission for any student who enrolls in a*
39 *school district or an accredited nonpublic school.*
- 40 (b) (1) *Every student enrolled in a school district shall be provided*
41 *basic vision screening by the board of education of the school district in*
42 *which the student is enrolled.*
- 43 (2) *Every student enrolled in an accredited nonpublic school shall be*

1 *provided basic vision screening by either:*

2 (A) *The accredited nonpublic school in which the student is enrolled;*
3 *or*

4 (B) *upon request by the student's parent or guardian, by the board of*
5 *education of the school district in which the student resides.*

6 (c) *Basic vision screenings shall be performed by a teacher or some*
7 ~~*other person*~~ *vision screener designated by the school board of education*
8 *or by an accredited nonpublic school. Vision screeners shall be required to*
9 *follow the most recent state vision screening guidelines for performing*
10 *vision screening. The results of the test screening and, if necessary, the*
11 ~~*desirability of referral for an examination by a qualified physician, an*~~
12 *ophthalmologist or optometrist shall be reported to the parents or*
13 *guardians of such pupils. Information relating to the desirability of the*
14 *student. The referral for an examination by a qualified physician, an*
15 *ophthalmologist or optometrist shall not show preference in favor of any*
16 ~~*such professional person ophthalmologist or optometrist.*~~

17 ~~(2) *The requirements of this subsection shall not apply to a pupil who*~~
18 ~~*has had a basic vision screening examination within six months prior to*~~
19 ~~*the provision of basic vision screening in the school in which the pupil is*~~
20 ~~*enrolled.*~~

21 ~~(b)(d)~~ *Each pupil student needing assistance in achieving mastery of*
22 *basic reading, writing and mathematics skills shall be encouraged to obtain*
23 *an eye examination by an optometrist or ophthalmologist to determine if*
24 ~~*the pupil student*~~ *suffers from conditions which that impair the ability to*
25 *read. Expense for such examination, if not reimbursed through medicaid,*
26 ~~*Healthwave,*~~ *private insurance or any other governmental or private*
27 *program, shall be the responsibility of the pupil's student's parent or*
28 *guardian.*

29 (e) *A Kansas children's vision health and school readiness*
30 *commission shall be established to ensure the implementation of this*
31 *section. Members of the commission shall be appointed by the state board*
32 *of education. The commission shall be comprised of:*

33 (1) *One optometrist;*

34 (2) *one ophthalmologist;*

35 (3) *one representative of a health organization dedicated to*
36 *preventing blindness;*

37 (4) *one representative of the department of education;*

38 (5) *one representative of the department of health and environment;*

39 (6) *one school nurse;*

40 (7) *one public health nurse; and*

41 (8) *one school administrator.*

42 (f) *Members of the commission shall not be reimbursed for meeting*
43 *expenses.*

1 (g) *The duties of the commission are as follows:*

2 (1) *Overseeing revision of state vision screening requirements and*
3 *guidelines no fewer than once every seven years;*

4 (2) *providing standardized vision screening referral letters and eye*
5 *professional examination reports as referenced in the Kansas vision*
6 *screening requirements and guidelines;*

7 (3) *identifying state resources that assist in providing opportunities to*
8 *offer free or low-cost eye exams for students who fail vision screenings*
9 *and are unable to afford an examination on their own; and*

10 (4) *establishing a system to collect data from school health personnel*
11 *concerning the results of the original screenings and referral outcomes, as*
12 *well as issuing an annual report to the secretary of health and*
13 *environment and the commissioner of education.*

14 **Sec. 5. K.S.A. 72-6283 is hereby amended to read as follows: 72-**
15 **6283. (a) Any accredited school may maintain an epinephrine kit. An**
16 **epinephrine kit may consist of one or more doses of epinephrine.**
17 **Epinephrine from an epinephrine kit shall be used only in emergency**
18 **situations when the person administering the epinephrine reasonably**
19 **believes that the signs and symptoms of an anaphylactic reaction are**
20 **occurring and if administered at school, on school property or at a**
21 **school-sponsored event. A school may not maintain an epinephrine kit**
22 **unless the school has consulted with a pharmacist licensed by the state**
23 **board of pharmacy. The consultant pharmacist shall have supervisory**
24 **responsibility for maintaining the epinephrine kit. The consultant**
25 **pharmacist shall be responsible for developing procedures, proper**
26 **control and accountability for the epinephrine kit. Periodic physical**
27 **inventory of the epinephrine kit shall be required. An epinephrine kit**
28 **shall be maintained under the control of the consultant pharmacist.**

29 ~~(b) Any accredited school may maintain an albuterol kit. An albuterol~~
30 ~~kit may consist of one or more albuterol metered-dose inhalers, one or~~
31 ~~more doses of albuterol solution and one or more spacers or nebulizers for~~
32 ~~the administration of albuterol. Albuterol from an albuterol kit shall be~~
33 ~~used only in emergency situations when a school nurse or nurse's designee~~
34 ~~administering the albuterol reasonably believes that the signs and~~
35 ~~symptoms of respiratory distress are occurring at school, on school~~
36 ~~property or at a school-sponsored event. A school may not maintain an~~
37 ~~albuterol kit unless the school has consulted with a pharmacist licensed by~~
38 ~~the state board of pharmacy. The consultant pharmacist shall have~~
39 ~~supervisory responsibility for maintaining the albuterol kit. The consultant~~
40 ~~pharmacist shall be responsible for developing procedures, proper control~~
41 ~~and accountability for the albuterol kit. Periodic physical inventory of the~~
42 ~~albuterol kit shall be required. An albuterol kit shall be maintained under~~
43 ~~the control of the consultant pharmacist.~~

Strike all in lines 14-43

1 Sec. ~~3~~. 6. K.S.A. ~~65-1680, 65-2872b~~, 72-6241 ~~and~~, 72-6242 ~~and~~ 72-
2 ~~6283~~ are hereby repealed.

3 Sec. ~~4~~. 7. This act shall take effect and be in force from and after its
4 publication in the statute book.

Strike in lines 1 and 2

and

And by renumbering sections accordingly