

As Amended by House Committee

Session of 2021

SENATE BILL No. 62

By Committee on Education

1-25

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
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.**

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**

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 (c) "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.*

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.