

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH

CHAPTER 531. VISION SCREENING

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 531. Vision Screening

Subchapter 1. General Provisions

310:531-1-2. Authority [AMENDED]

310:531-1-3. Definitions [AMENDED]

Subchapter 5. Vision Screening Standards for Children

310:531-5-2. Oklahoma Vision Screening Standards [AMENDED]

310:531-5-5. Re-approval of vision screening providers [AMENDED]

310:531-5-6. Approval of vision screening trainers [AMENDED]

310:531-5-7. Re-approval of vision screening trainers [AMENDED]

310:531-5-8. Approval of vision screening trainers of trainers [REVOKED]

310:531-5-9. Re-approval of vision screening trainers of trainers [REVOKED]

SUMMARY:

Revisions to this chapter are necessary to assure compliance with the latest recommended guidelines and national standards, and include removal of tools that are no longer recommended. Changes include allowing the use of photo screeners for children under 72 months of age. These rule changes also permit the Oklahoma State Department of Health (Department) to determine “any vision screening tool determined by the Department to be a comparably effective and efficient screening tool” enabling the Department to approve use of future evidence-based screening technology or tool as new peer-reviewed research becomes available and tools are recommended by experts in the field.

AUTHORITY:

Commissioner of the Oklahoma State Department of Health, Title 63 O.S. § §1-103, 103a.1, 1-104 and 1-106 et seq.; 70 O.S. § 1210.284

COMMENT PERIOD:

February 3, 2020, through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 6, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is March 10, 2020, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C. Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

**INITIAL RULE IMPACT STATEMENT
TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 531. VISION SCREENING**

1. DESCRIPTION:

The purpose of this proposed rule is to update definitions and requirements in relation to changes within national standards and state government as follows:

310:531-1-2. Authority – Changed from Board of Health to Commissioner to reflect changes in OSDH authority.

310:531-1-3. Definitions – Definitions have been updated to remove screening methods that are no longer recommended (Random Dot E), or cannot be used for all three required grade levels (such as LEA Symbols Chart). Removal from the definitions does not mean the tool is no longer approved for use. Vision screening trainer(s) of trainers has also been deleted as this requirement is no longer needed.

310:531-5-2. Oklahoma Vision Screening Standards – Revisions to this subchapter were necessary to assure compliance with latest recommended guidelines and national standards and include the removal of tools that are no longer recommended (stereo acuity measurement). Changes include allowing the use of photo screeners for children under 72 months of age. These rules changes will also permit the Department to determine “any new vision screening tool determined by the Department to be a comparably effective and efficient screening tool”. This will enable the Department to approve the use of any future evidence-based screening technology or tool as new peer-reviewed research becomes available and tools are recommended by experts in the field.

310:531-5-6. Approval of vision screening trainers – Minor wording changes made to reflect current practice, deleting language that is not necessary.

310:531-5-7. Re-approval of vision screening trainers - Minor wording changes made to reflect current practice, deleting language that is not necessary.

310:531-5-8. Approval of vision screening trainers of trainers – This section has been deleted entirely because it is cost prohibitive and no longer a recommended practice. This level of training creates additional burden on health department staff to qualify someone as a trainer of trainers and limits the ability of partners to participate in approved vision screening practices.

310:531-5-9. Re-approval of vision screening trainers of trainers --This section has been deleted entirely to reflect the changes requested in Section 5-8.

2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:

This proposed rule impacts children enrolled in public schools screened for vision issues in kindergarten, first and third grades. This proposal will further assure that students are being screened using evidence-based methods and tools, aligned with national standards. No effect on state revenues projected in implementing the proposed rule.

3. **DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:**

This proposal simplifies language, aligns screening tools with national standards and removes the requirement for a training of trainers. Screeners who provide vision screening and partners willing to train screeners in the future will face fewer barriers with these new changes. The adoption of language to approve new evidence-based tools will enable the Department to adapt to new technologies and be more responsive to such requests in the future.

4. **ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:**

There is no economic impact known at this time for any of the revisions or amendments.

5. **COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY.**

There are no additional costs associated with implementation.

6. **IMPACT ON POLITICAL SUBDIVISIONS:**

There will be no impact on political subdivisions and it will not require their cooperation in implementing or enforcing the proposed amendment.

7. **ADVERSE EFFECT ON SMALL BUSINESS:**

There is no known adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

8. **EFFORTS TO MINIMIZE COSTS OF RULE:**

There are no less costly means currently identified.

9. **EFFECT ON PUBLIC HEALTH AND SAFETY:**

Vision screening for school-age children is a sound public health practice and recommended by multiple entities, including the National Center for Children’s Vision and Eye Health, the American Academy of Pediatrics, and the National School Nurse Association, among others. These rules changes maintain Oklahoma’s compliance with national standards, recommendations and best practices, while enabling partners outside the Department to become involved in new ways utilizing current evidence-based technologies and methods for vision screening.

10. DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:

Using outdated tools and requiring staff to train others on how to administer these tools would limit the number of trainings and screeners available to schools and students throughout the state. Without the additions to the recommended tools, like photo screeners, and the ability to approve new tools at the Department level, rule changes will need to be requested again in the near future. It is possible that fewer students will be screened if the changes are not adopted, as partners may not meet the current guidelines and recommendations for tools, trainings and trainer of trainers.

11. PREPARATION AND MODIFICATION DATES:

This rule impact statement was prepared on November 25, 2019.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 531. VISION SCREENING**

SUBCHAPTER 1. GENERAL PROVISIONS

310:531-1-1. Purpose

This subchapter identifies the authority and provides definitions for vision screening services provided to elementary school age children by approved vision screening providers.

310:531-1-2. Authority [AMENDED]

Commissioner of the Oklahoma State Board Department of Health; 70 O.S. § 1210.284; 63 O.S. §§ 1-103, 1-103a.1, 1-104 and 1-106 et seq.

310:531-1-3. Definitions [AMENDED]

When used in this Chapter, the following words or terms shall have the following meaning: ~~unless the context of the sentence requires another meaning:~~

"Board" means the State Board of Health.

"Commissioner" means the State Commissioner of Health of the Oklahoma State Department of Health.

"Comprehensive Eye Exam" means a clinical assessment and tests administered by a licensed optometrist or ophthalmologist to assess a person's level of vision as well as detect any abnormality or diseases.

"Department" means the Oklahoma State Department of Health.

~~**"HOTV Chart"** means a vision screening test that determines relative visual acuity for distance vision using a chart with the four (4) letters: H, O, T and V. Chart is recommended for children under 72 months of age.~~

"Infant and Children's Health Advisory Council" means the advisory council to the Board and Department in the area of infant and child health including vision screening.

"LEA Numbers Chart" means a vision screening test that determines relative visual acuity for distance vision using a chart with numbers. Chart is recommended for school age children and can be used with children who use English as a second language.

~~**"Lea LEA Symbols Chart"** means a vision screening test that determines relative visual acuity for distance vision using a chart with the four (4) symbols: circle, square, house, and apple. Chart is recommended for children under 72 months of age.~~

"Ophthalmologist" means a person licensed by the state of Oklahoma to practice medicine who has a specialty in ophthalmology.

"Optometrist" means a person licensed by the state of Oklahoma to practice optometry.

~~**"Random Dot E Stereo Test"** means a vision screening test that determines relative stereo acuity or depth perception.~~

"Referral" means parent/guardian notification that the student's screening results indicate a need for a comprehensive eye exam by an ophthalmologist or optometrist.

"Sloan Letters Chart" means a vision screening test that determines relative visual acuity for distance vision using a chart with letters. Chart is recommended for school age children.

~~**"Snellen Letter Chart"** means a vision screening test that determines relative visual acuity for distance vision using a chart consisting of eight (8) or more rows of progressively smaller block type letters.~~

"Vision screening provider(s)" means a person(s) who has successfully completed vision screening training using curricula approved by the Department, submitted an application to the Department, and has been approved by the Department as being a vision screening provider.

"Vision screening" means the process or system used to identify children in grades K, 1 and 3 who may be at risk of having or developing visual problems that may adversely affect their ability to acquire knowledge, skill or learning, for the purpose of recommending further evaluation by an optometrist or ophthalmologist.

"**Vision screening trainer(s)**" is a person(s) who has been approved as a vision screening provider and completed additional training approved by the Department to provide training to potential vision screening providers.

"**Vision screening trainer(s) of trainers**" is a person(s) who has been approved as a vision screening provider and vision screening trainer and completed additional education and practicum approved by the Department to become a vision screening trainer of trainers.

"**Vision Screening Registry**" is a system for collecting and maintaining in a structured manner the names of individuals that have been approved by the Department as vision screening providers.

SUBCHAPTER 5. VISION SCREENING STANDARDS FOR CHILDREN

310:531-5-1. Purpose

This subchapter identifies those children to be screened and standards for vision screening tools, vision screening providers and vision screening trainers.

310:531-5-2. Oklahoma Vision Screening Standards [AMENDED]

(a) Parents or guardians of any child subject to the Oklahoma School Code shall provide certification of vision screening for any child who is:

- (1) in kindergarten, and the vision screening shall be completed within the previous twelve (12) months or during the school year;
- (2) in the first grade, and the vision screening shall be completed within the previous (12) months, with certification provided to school personnel within thirty (30) days of the beginning of the school year; and
- (3) in the third grade, and the vision screening shall be completed within the previous twelve (12) months, with certification provided to school personnel within thirty (30) days of the beginning of the school year.

(b) Vision screening must, at a minimum, utilize one of the following vision screening tests using standard screening procedures for relative visual acuity:

- (1) For school age children, For relative distance acuity, the Snellen Sloan Letter Chart, HOTV Chart, or LEA Symbol Numbers Chart, at a distance of ten (10) feet or any new vision screening tool determined by the Department to be a comparably effective and efficient screening tool; or
- (2) For children under 72 months of age, a photoscreener or any new vision screening tool determined by the Department to be a comparably effective and efficient screening tool.

For stereo acuity, the Random Dot E Stereo Test, at a distance according to the calibration of the manufacturer, or any new vision screening tool determined by the Department as being a comparably effective and efficient screening tool.

(c) The following distance visual acuity criteria shall be used as a basis for referring a child for further evaluation by an optometrist or ophthalmologist: Refer for a two-line difference in either eye, even in the passing range, or acuity 20/40 or worse in either eye.

- (1) For relative distance acuity, worse than 20/40 in either or both eyes for children below the first grade or for new tools the equivalent, or worse than 20/30 in either or both eyes for children in the first grade or above or, for new screening tools the equivalent, and for all children, a two or more line difference between either eye or, for new screening tools the equivalent; and,
- (2) For relative stereo acuity, a child identifies the E correctly in less than four (4) consecutive responses out of ten (10) attempts or, for new vision screening tools the equivalent.

310:531-5-3. Approval of vision screening providers

(a) In order to become an approved vision screening provider, an individual must make application to the Department and include documentation of successful completion of training conducted by an approved trainer using an approved training curriculum that includes the following:

- (1) common eye problems;

- (2) the screening process;
 - (3) required screening tools;
 - (4) screening special populations; and,
 - (5) basic anatomy and physiology of the eye.
- (b) The Department will review and approve vision screening providers.
- (c) The vision screening provider approval will be valid from the date of approval by the Department and ends three years from the most recently approved training.
- (d) All approved vision screening providers will be added to the statewide registry on the Internet website maintained by the Department.
- (e) Unless otherwise provided by law, no person shall engage in vision screening as provided in 70 O.S. § 1210.284 without first being listed on the vision screening registry maintained by the Department.

310:531-5-4. Disclaimer

Any disclosure or other notice provided by a vision screener or other person subject to this chapter describing a vision screening provided in accordance with this chapter must include a disclaimer that advises the parent or guardian that a vision screening is not equivalent to a comprehensive eye examination.

310:531-5-5. Re-approval of vision screening providers [AMENDED]

A vision screening provider ~~currently approved by the Department~~ may renew his or her ~~application status~~ by submitting documentation of ~~successful~~ completion of training, conducted by an approved trainer, using an approved curricula, prior to the end of his or her third year.

310:531-5-6. Approval of vision screening trainers [AMENDED]

(a) In order to become an approved vision screening trainer an individual must be an approved vision screening provider and make application to the Department and include documentation of successful completion of training conducted by an approved trainer using an approved training curriculum that includes the following:

- (1) common eye problems;
- (2) the screening process;
- (3) required screening tools;
- (4) screening special populations;
- (5) basic anatomy and physiology of the eye; and,
- (6) techniques for effective training of vision screening providers.

(b) The applicant must provide to the Department documentation of successful completion of training, which is administered by a ~~vision screening trainer of trainers~~ approved by the Department using a training curriculum for trainers approved by the Department.

(c) The Department will review and approve vision screening trainers and the approved curricula used for training vision screening providers. ~~(d) The approval of a vision screening trainer ends three years from the most recently approval.ed training.~~

310:531-5-7. Re-approval of vision screening trainers [AMENDED]

A vision screening trainer ~~currently approved by the Department~~ may renew his or her ~~application status~~ by submitting documentation of ~~successful~~ completion of an approved training, conducted by an approved ~~vision screening trainer of trainers~~, using an approved curricula, prior to the end of his or her third year.

~~310:531-5-8. Approval of vision screening trainers of trainers [REVOKED]~~

~~(a) In order to become an approved vision screening trainer of trainers, an individual must be an approved vision screening provider, an approved vision screening trainer, and make application to the~~

~~Department and include documentation of successful completion of training conducted by an approved trainer using an approved training curriculum that includes the following:~~

- ~~(1) common eye problems;~~
- ~~(2) the screening process;~~
- ~~(3) required screening tools;~~
- ~~(4) screening special populations;~~
- ~~(5) basic anatomy and physiology of the eye;~~
- ~~(6) techniques for effective training of vision screening providers; and,~~
- ~~(7) techniques for effective training of vision screening trainers of trainers.~~

~~(b) The applicant must provide to the Department documentation of successful completion of training, which is administered by a vision screening trainer of trainers approved by the Department using training curricula for trainers approved by the Department.~~

~~(c) The Department will review and approve vision screening trainers of trainers and the approved curricula used for training vision screening trainers.~~

~~(d) The approval of a vision screening trainers of trainers ends three years from most recently approved training.~~

~~310:531-5.9. Re-approval of vision screening trainers of trainers-[REVOKED]~~

~~A vision screening trainer of trainers currently approved by the Department may renew his or her application by submitting documentation of successful completion of training conducted by an approved trainer and use of an approved curriculum prior to the end of his or her third year.~~