

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

**SUBCHAPTER 1. GENERAL PROVISIONS**

**310:531-1-2. Authority**

Oklahoma State Board of Health; 70 O.S. § 1210.284; 63 O.S. §§ 1-103a.1, 1-105 and 1-106 et seq.

**310:531-1-3. Definitions**

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

~~"Advisory Committee" means the Oklahoma Vision Screening Advisory Committee for Children.~~

"Board" means the State Board of Health.

"Commissioner" means the 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.

"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 Symbol 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.

"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.

~~"Professional Examination" means a diagnostic evaluation performed by an appropriately licensed professional whose expertise addresses the diagnostic needs of the individual.~~

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

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

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

~~"Vision Screening Trainer of Trainers 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 Advisory CommitteeDepartment 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 ~~Advisory Committee~~Department as vision screening providers.

~~"Background Check"~~ is the process of looking up and compiling criminal records of an individual.

### SUBCHAPTER 3. ADVISORY COMMITTEE

#### 310:531-3-1. Purpose

~~This subchapter creates the Oklahoma Vision Screening Advisory Committee for Children.~~

#### 310:531-3-2. Advisory Committee

~~(a) The Advisory Committee shall consist of five (5) members who shall be appointed by the Commissioner.~~

~~(b) The Advisory Committee is comprised of one licensed optometrist, one licensed ophthalmologist, one representative of the State Department of Education, one representative of the Oklahoma State Department of Health, and one representative of a statewide organization for the prevention of blindness.~~

~~(c) The first Advisory Committee shall serve the following terms: one member for one (1) year, two members for two (2) years, and two members for three (3) years. Thereafter, at the expiration of the term of each member, the Commissioner shall appoint a successor for a four (4) year term.~~

~~(d) Vacancies occurring in the Advisory Committee shall be filled for the remainder of the term by appointment by the Commissioner.~~

~~(e) Any Advisory Committee member may be removed by the Commissioner for incapacity, incompetence, neglect of duty, or misfeasance or malfeasance in office.~~

~~(f) Advisory Committee members may be reappointed at the completion of their term.~~

~~(g) The Advisory Committee will hold a minimum of one regular meeting annually, and special meetings as needed. Meetings shall be held at such time and place as the Advisory Committee may provide. The Advisory Committee shall elect annually the following officers: A chair, a vice chair, and a secretary. Three members of the Advisory Committee shall constitute a quorum.~~

#### 310:531-3-3. Rules of Order

~~Roberts Rules of Order Revised shall be the basis of parliamentary decisions except as otherwise provided by the Advisory Committee.~~

### SUBCHAPTER 5. VISION SCREENING STANDARDS FOR CHILDREN

#### 310:531-5-2. Oklahoma Vision Screening Standards

(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~~ kindergarten, and the vision screening shall be completed within the previous twelve (12) months or during the school year;

(2) in the ~~First~~ 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~~ 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 the following vision screening tests using standard screening procedures:

- (1) For relative distance acuity, the Snellen Letter Chart, HOTV Chart, or Lea Symbol Chart, at a distance of ten (10) feet; ~~and, or any new vision screening tool determined by the Department to be a comparably effective and efficient screening tool;~~ and
  - (2) 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 visual criteria shall be used as a basis for referring a child for further evaluation by an optometrist or ophthalmologist:
- (1) For relative distance acuity, worse than 20/40 in either or both eyes for children below the ~~First first Grade grade~~ or for new tools the equivalent, or worse than 20/30 in either or both eyes for children in the ~~First first grade~~ 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~~ vision screening providers**

- (a) In order to become an approved vision screening provider, an individual must make application to the ~~Advisory Committee~~ 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 Advisory Committee~~ Department will review and ~~submit, a minimum of one time annually, a list of approved vision screening providers to the Department~~ approve vision screening providers.
- (c) The vision screening provider approval will be valid from the date of approval by the ~~Advisory Committee~~ 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.

**310:531-5-5. Re-approval of vision screening providers**

A vision screening provider currently approved by the ~~Advisory Committee~~ Department may renew his or her application 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 ~~trainers of vision screening providers~~ vision screening trainers**

- (a) In order to become an approved ~~trainer of vision screening providers~~ vision screening trainer an individual must be an approved vision screening provider and make application to the ~~Advisory Committee~~ 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 ~~Advisory Committee Department~~ documentation of successful completion of training, which is administered by a vision screening trainer of trainers approved by the ~~Advisory Committee Department~~ using training curricula for trainers approved by the ~~Advisory Committee Department~~.

(c) The ~~Advisory Committee Department~~ will review, ~~approve and submit to the Department, at a minimum of one time annually, a list of qualified and approve~~ trainers of vision screening providers vision screening trainers and the approved curricula used for training vision screening providers.

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

### **310:531-5-7. Re-approval of ~~trainers of vision screening providers~~ vision screening trainers**

A ~~trainer of vision screening providers~~ vision screening trainer currently approved by the ~~Advisory Committee Department~~ may renew his or her application by submitting documentation of successful completion of 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 ~~trainers of vision screening trainers~~ vision screening trainers of trainers**

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

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

(c) The ~~Advisory Committee Department~~ will review, ~~approve and submit to the Department, at a minimum of one time annually, a list of qualified and approve~~ trainers of vision screening trainers vision screening trainers of trainers and the approved curricula used for training vision screening trainers.

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

### **310:531-5-9. Re-approval of ~~trainers of vision screening trainers~~ vision screening trainers of trainers**

A ~~trainer of vision screening trainers~~ vision screening trainer of trainers currently approved by the ~~Advisory Committee 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.

## **SUBCHAPTER 7. REGISTRY ENFORCEMENT FOR VISION SCREENING**

### **310:531-7-2. Grounds for discipline**

- (a) An approval of a vision screening provider may be modified, suspended, or terminated for one or more of the following reasons:
- (1) Failure to conduct vision screenings according to the procedures and referral criteria approved by the ~~Advisory Committee~~ Department, including but not limited to, deletion of one or more portions of the process outlined in the screening standards and training curriculum, or addition of one or more procedures not contained in the screening standards and training curriculum, in sections 310:531-5-2 and 310:531-5-3, respectively;
  - (2) Making referrals for ~~professional examinations~~ comprehensive eye examinations that indicate a conflict of interest, financial or otherwise;
  - (3) Failure to participate in a training curricula approved by the ~~Advisory Committee~~ Department upon expiration of his or her three year approval;
  - (4) Violations of a student's right of privacy in the student's education records pursuant to the Family Educational Rights and Privacy Act of 1974, 20 United States Code §§1232 *et seq.* and the rules promulgated thereunder; and
  - (5) Any act that harms, or threatens harm to, a child.
- (b) An approval of a ~~trainer of vision screening providers~~ vision screening trainer may be modified, suspended, or terminated for one or more of the following reasons:
- (1) Failure to conduct training workshops for vision screening providers utilizing curricula and/or procedures approved by the ~~Advisory Committee~~ Department;
  - (2) Failure to participate in a training curricula approved by the ~~Advisory Committee~~ Department upon expiration of the three year approval;
  - (3) Violations of a student's right of privacy in the student's education records pursuant to the Family Educational Rights and Privacy Act of 1974, 20 United States Code §1232 *et seq.* and the rules promulgated thereunder; and
  - (4) Any act that harms, or threatens to harm, a child.
- (c) An approval of a ~~trainer of trainers of vision screening providers~~ vision screening trainer of trainers may be modified, suspended, or terminated for one or more of the following reasons:
- (1) Failure to conduct training workshops for ~~trainers of vision screening trainers~~ vision screening trainers utilizing curricula and/or procedures approved by the ~~Advisory Committee~~ Department;
  - (2) Failure to participate in a training curricula approved by the ~~Advisory Committee~~ Department upon expiration of the three year approval;
  - (3) Violations of a student's right of privacy in the student's education records pursuant to the Family Educational Rights and Privacy Act of 1974, 20 United States Code §§ 1232 *et seq.* and the rules promulgated thereunder; and
  - (4) Any act that harms, or threatens harm to, a child.

### **310:531-7-3. Complaint investigation**

- (a) **Reporting complaints.** Any person may report to the Department any complaint or allegations of non-compliance with 70 O.S. § 1210.284 or this Chapter by a vision screening provider or trainer by submitting the following:
- (1) the name, address, and telephone number, if known, of the vision screening ~~provider~~ provider or trainer who is the subject of the complaint;
  - (2) the location(s) where the alleged non-compliance occurred;
  - (3) the date(s) of non-compliance;
  - (4) the reporting party's name, address and telephone number; and,
  - (5) the specific allegations against the vision screening provider or trainer, including but not limited to references to, or a copy of supporting documentation regarding, or any witnesses to, the alleged non-compliance.
- (b) **Process.** Upon receipt of a complaint against a vision screening provider or trainer alleging non-compliance with 70 O.S. § 1210.284 or this Chapter, the Department shall conduct an investigation. ~~Upon completion of the investigation, a written report will be prepared and presented to the Advisory~~

~~Committee for recommendation. If sufficient evidence exists to initiate an individual proceeding, the Advisory Committee shall recommend that the Department initiate disciplinary proceedings.~~

#### **310:531-7-4. Summary removal**

(a) If in the course of an investigation the Department determines that a vision screening provider has engaged in conduct of a nature that is, or is likely to be detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent such harm, the Commissioner may order summary removal of the name of the vision screening provider from the registry for vision screening maintained by the Department pending the Department filing a petition to remove the name of the vision screening provider from the registry following an individual proceeding pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §§ 309 *et seq.* A presumption of imminent harm to the public shall exist if the Department determines that probable cause exists that a vision screening provider has harmed, or threatened harm to, a child while providing vision screening services. The order of summary removal from the registry must include the specific grounds for the summary removal, a citation of the statute or law allegedly violated, and inform the ~~visionscreening~~ vision screening provider of the process to request a hearing to contest the summary action.

(b) Any vision screening provider whose name has been summarily removed from the registry for vision screening may request a hearing to contest such summary action. The Department shall have the initial burden of persuasion to show that the provider has engaged in conduct that has caused, or is likely to cause, harm to a child. If the Department meets this burden of persuasion, the ~~visionscreening~~ vision screening provider has the burden to prove that the conduct of the provider in providing ~~visionscreening~~ vision screening services would not harm a child.

(c) If in the course of an investigation the Department determines that a vision screening trainer has engaged in conduct of a nature that is, or is likely to be detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent such harm, the Commissioner may order summary removal of the name of the vision screening ~~provider~~ trainer from the list for vision screening trainers maintained by the Department pending the Department filing a petition to remove the name of the vision screening trainer from the list following an individual proceeding pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §§ 309 *et seq.* A presumption of imminent harm to the public shall exist if the Department determines that probable cause exists that a vision screening trainer has harmed, or threatened harm to, a child while providing vision screening services. The order of summary removal from the list must include the specific grounds for the summary removal, a citation of the statute or law allegedly violated, and inform the vision screening trainer of the process to request a hearing to contest the summary action.

(d) Any vision screening trainer whose name has been summarily removed from the list for vision screening trainers may request a hearing to contest such summary action. The Department shall have the initial burden of persuasion to show that the trainer has engaged in conduct that has caused, or is likely to cause, harm to a child. If the Department meets this burden of persuasion, the vision screening trainer has the burden to prove that the conduct of the trainer in providing vision screening services would not harm a child.

#### **310:531-7-5. Appearance before the Advisory Committee**

~~Except as provided for in section 310:531-7-4, if the Advisory Committee recommends that the status of a vision screening provider or trainer be modified, suspended, or terminated by these provisions the Committee shall first give a vision screening provider, or trainer, or applicant an opportunity to appear before the Advisory Committee at the next regularly scheduled meeting by providing written notice at least thirty (30) days in advance of the meeting. The vision screening provider, trainer, or applicant must advise in writing at least ten (10) days in advance of the next scheduled Advisory Committee meeting by postmarked notification to the Committee of his or her request to appear before the Committee. Failure to so notify may be deemed a waiver of the right to appear before the Advisory Committee.~~

**310:531-7-6. Right to a hearing**

Except as provided for in section 310:531-7-4, the name of a vision screening provider or trainer may not be removed from the vision screening registry or vision screening trainer's list until the Department provides notice to the vision screening provider or trainer and an opportunity for a hearing to contest the Department's allegations. The notice to the vision screening provider or trainer must comply with 75 O.S. § 309. The vision screening provider or trainer must request a hearing within twenty ~~(20) days~~ (20) days of receiving the notice from the Department or the sanction may be imposed by default.

**SUBCHAPTER 9. SPORTS EYE SAFETY RESOURCE**

**310:531-9-1. Purpose**

~~This subchapter identifies the role of the Advisory Committee in serving as a resource for sports eye safety.~~

**310:531-9-2. Eye safety resource**

~~(a) The Advisory Committee may serve as a sports eye safety resource for Oklahoma public school districts and nonprofit community sports organizations by:~~

- ~~(1) Developing and providing educational materials to reduce eye injuries associated with various sporting activities; and~~
- ~~(2) Developing and providing educational materials on the use of protective eyewear that reduces the risk of sports related eye injuries.~~