

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 310:531 [AMENDED]

SUMMARY:

The purpose of the rule change is to align and comply with HB 3823, which is effective November 1, 2022. This change exempts licensed optometrists and ophthalmologists from participating in vision screening standards and trainers training, required for all other trained screeners/trainers assisting with the state mandated vision screening for K, 1st and 3rd graders. The change also exempts licensed optometrists and ophthalmologists from being placed on the state screeners registry managed by OSDH/MCH.

AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104; Title 70 O.S. § 1210.284

COMMENT PERIOD:

November 15, 2022 through the close of the Department's normal business hours, 5 PM, on December 15, 2022. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on December 15, 2022 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 December 15, 2022 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is December 19, 2022 in the Auditorium, from 9:30 AM to 12:30 PM. 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. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

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 December 15, 2022, 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., § 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 PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

INITIAL RULE IMPACT STATEMENT

(This document may be revised based on comment received during the public comment period.)

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

1. DESCRIPTION:

HB 3823 passed and was signed into law by the Governor this year. This change exempts licensed optometrists and ophthalmologists from participating in vision screening standards and trainers training, required for all other trained screeners/trainers assisting with the state mandated vision screening for K, 1st and 3rd graders. The change also exempts licensed optometrists and ophthalmologists from being placed on the state screeners registry managed by OSDH/MCH.

2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:

The change reduces a redundant training for optometrists and ophthalmologists who wish to serve their community schools. Over the duration of time, there is minimal to no impact of cost.

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

School students in K, 1st and 3rd grades and the staff in schools served by the potential new volunteers in vision screening will benefit.

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

None, there are no fees for training or being placed on the approved screeners/trainers list.

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

There will be administrative benefits over time, as training and documentation for optometrists and ophthalmologists participating as volunteer vision screeners will no longer be required.

6. IMPACT ON POLITICAL SUBDIVISIONS:

There will be no impact on political subdivisions.

7. ADVERSE EFFECT ON SMALL BUSINESS:

There is no known adverse effect on small business.

8. EFFORTS TO MINIMIZE COSTS OF THE RULE:

There are no less costly means currently identified.

9. EFFECT ON PUBLIC HEALTH AND SAFETY:

No effect on public health and safety is projected.

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

There are no detrimental effects on public health and safety.

11. PREPARATION AND MODIFICATION DATES:

This rule impact statement was prepared on August 9, 2022.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
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SUBCHAPTER 5. VISION SCREENING STANDARDS FOR CHILDREN

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) Oklahoma licensed optometrists and ophthalmologists are exempt from the application and successful completion of vision screening standards training by an approved trainer, and are exempt from being placed on the approved vision screeners registry managed by the Department.

(f) 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 may renew his or her status by submitting documentation of completion of training, conducted by an approved trainer, using an approved curricula, prior to the end of his or her third year. Oklahoma licensed optometrists and ophthalmologists are exempt from the application and successful completion of vision screening standards training by an approved trainer, and are exempt from being placed on the approved vision screeners registry managed by the Department.

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

(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 trainer 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. The approval of a vision screening trainer ends three years from the most recent approval.

(d) Oklahoma licensed optometrists and ophthalmologists are exempt from the application and successful completion of vision screening standards training by an approved trainer, and are exempt from being placed on the approved vision screeners registry managed by the Department.

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

A vision screening trainer may renew his or her status by submitting documentation of completion of an approved training, conducted by an approved trainer, using an approved curricula, prior to the end of his or her third year. Oklahoma licensed optometrists and ophthalmologists are exempt from the application and successful completion of vision screening standards training by an approved trainer, and are exempt from being placed on the approved vision screeners registry managed by the Department.