

Join the

**Kids Eyes Count**  
C A M P A I G N



June 25, 2008

**COPY**

Ms. Susan Meister  
Administrative Rules Coordinator  
Illinois Department of Public Health  
535 W. Jefferson Street, 5<sup>th</sup> Floor  
Springfield, Illinois 62761  
dph.rules@illinois.gov

RE: Objection to the Vision First form omitted in the DPH Emergency Rule for Public Act 95-0671

Dear Ms. Meister:

When SB 641 became Illinois law, (P.A. 95-0671), I wrote a letter to the Department of Public Health (DPH) seeking their approval of our Vision First form as proof of meeting the new eye examination requirement. Over the next six months, I sent three more letters. (Attached is my last letter for your perusal.) On June 6, 2008, DPH called an emergency rule for Public Act 95-0671. Unfortunately, DPH declined to approve our form before the rulemaking process began.

For the record, I am objecting to section numbers 665.610-650 in the emergency rule, including Appendix A and C, for the following reasons. I have also included my recommendations for the proposed permanent rule.

1. **665.610 (a) “before October 15<sup>th</sup> of the school year.”** I object to the exclusion of schools opting to choose the first day of attendance instead of October 15<sup>th</sup>. According to DPH and the law, “Pursuant to the statute, eye examinations are to be included as part of the health examination for school children.” *Recommendation: Add the following to the above statement: “or by an earlier date of the current school year established by a school district.”*
2. **665.610 (e) “In addition to the requirement of subsection (d), optometrists shall include measurements of binocular acuity and ocular motility, and color vision screening in the required eye examination, as required by the Illinois Optometric Practice Act of 1987.”** I object to naming only optometrists in this section. If physicians who provide eye examinations are practicing optometry by exemption, they should be accountable for the same requirements in the Illinois Optometric Practice Act, too. *Recommendation: Since this applies to only optometrists and not physicians who provide eye examinations, this section is redundant and should be removed. Question: Is this the reason why the column “Not able to assess” is on the State form as shown in Appendix A?*
3. **665.620 (a and b) Vision examination repealed.** I object to the repeal of Public Act 85-0351, 105 ILCS 5/27-8.1. *Recommendation: Add the following: It is also recommended, but not required, that an eye examination be performed on public, private/independent, and parochial school students by a physician who provides eye examinations or an optometrist. (a) If an eye examination is performed, it shall be performed in place of a vision screening and conducted within one year: 1.) Prior to the date of entering the sixth grade; and 2.) Prior to the date of entering the ninth grade; (b) For students attending school programs where grade*

Make a difference in the eyes of a child

levels are not assigned, examinations shall be completed prior to the date of entering and within one year prior to the ages of 11 and 15.

4. **665.630 Eye Examination Report** I object that the eye exam shall be recorded *only on the Department of Public Health Eye Examination Report*. DPH posted their new eye exam form on May 30, 2008. Kindergarten registration began in many school districts in March and April. Our Vision First form has been successfully used for over five years. On behalf of Vision First, we are seeking the approval of our form as one of the prescribed forms for proof of meeting the new eye exam law. *Recommendation: Add the following, “The eye examination shall be recorded on the Department of Public Health Eye Examination Report, or any other form approved by the State of Illinois, prescribed by the Department for statewide use.”*
5. **665.640 Indigent Students—Repealed** I object to any source of help for indigent students. *Recommendation: Do not repeal this section; change “vision examinations” to “eye examinations” to remain consistent with the full text in the rule.*
6. **665.650 (a and b) Waiver of Eye Examination Requirement** I object to the waiver form due to a child’s school by October 15 of the school year. A waiver should be given *only after all attempts to fulfill the eye examination requirement have been exhausted*. *Recommendation: Add the following, “If the child fails to present proof of a completed eye examination, or the child fails to present proof that an eye examination will take place within 60 days after October 15, or by an earlier date of the current school year established by a school district, then a waiver form shall be given. If this waiver form is not submitted within 60 days after October 15, or by an earlier date of the current school year established by a school district, then the school may withhold the child’s report card until the eye examination waiver form is submitted.”*
7. **665.Appendix A** I object to the acceptance of only the State of Illinois report as proof of an eye examination. We request the Department of Public Health and State Board of Education reconsider the approval of the Vision First form as proof of a required eye examination. Also, the opening paragraph on the state report does not include the schools that opt for the earlier due date. *Recommendation: Add the following, “Illinois law requires that proof of an eye examination by an optometrist or physician who provides eye examinations be submitted to the school no later than October 15, or by an earlier date of the current school year established by a school district, of the year the child is first enrolled or as required by the school for other children. The examination must be completed within one year prior to October 15, or by an earlier date of the current school year established by a school district, of the year the child enters an Illinois school.”*
8. **665.Appendix B? Or is this part of A? (no number)** I object to the removal of the former *State of Illinois Vision Examination Report*. What is the State going to send to parents following a failed vision screening? *Recommendation: Rename the report as, “State of Illinois Vision Screening Report.” Keep the top half of the report and remove the bottom half of the report including the subtitle, “to be completed by examining doctor.”* A report should be sent following a failed vision screening. *Also, add to the vision screening report: “Illinois law (Public Act 93-0504) confirms vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor.”*
9. **665.Appendix C** I object to this waiver. *Question regarding the first box, #1: How could a child enrolled in the free and reduced lunch program be ineligible for public assistance? I thought Illinois’ All Kids Health Insurance covered all kids. Recommendation: Remove #1; Modify the second box, #2 by adding, “My child is enrolled in Medicaid/All Kids, but we are unable to find an optometrist, or physician who provides eye examinations, in the community who is able to examine my child and accepts Medicaid/All Kids, Vision USA, Sight for*

Students, or any other charitable organization's donated eye exams; Remove #3; and add a disclaimer to the waiver—"I understand that by waiving my responsibility to provide an eye examination for my child, that my child is at risk of having an undetected and untreated eye or vision problem that could affect my child's sight, school performance, and success in life. Therefore, I will not hold the school or the State of Illinois accountable for my child's failure, should any occur as a result of my choosing a waiver instead of an eye examination."

Vision First will be promoting the "Kids Eyes Count Campaign" to Illinois schools statewide once the rulemaking is complete for P.A. 95-0671. It is our hope and goal that the State of Illinois will recognize our efforts and approve the Vision First report form during the rulemaking process.

All children entering kindergarten in Illinois deserve the best start possible for a lifetime of learning. Healthy eyes and good vision are a child's best school supply.

If you have any questions or if you need further information, please contact me.

Respectfully submitted,

Mrs. Janet V. Hughes, Founder and President  
Vision First Foundation

Attachments: (1) Proposed *Student Comprehensive Eye and Vision Examination Report for Illinois*;  
(2) Letter dated May 4, 2008.

cc: Vicki Thomas, JCAR Executive Director; Senator J. Bradley Burzynski, JCAR; Senator James F. Clayborne, Jr., JCAR; Senator Maggie Crotty, JCAR; Senator Randall Hultgren, JCAR; Senator Dan Rutherford, JCAR; Senator Ira Silverstein, JCAR; Representative John Fritchey, JCAR; Representative Brent Hassert, JCAR; Representative Louis Lang, JCAR; Representative David Leitch, JCAR; Representative David Miller, JCAR; and Representative Rosemary Mulligan, JCAR.