

111TH CONGRESS  
1ST SESSION

# H. R. 577

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IN THE SENATE OF THE UNITED STATES

APRIL 1, 2009

Received; read twice and referred to the Committee on Health, Education,  
Labor, and Pensions

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## AN ACT

To establish a grant program to provide vision care to  
children, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Vision Care for Kids  
3 Act of 2009”.

4 **SEC. 2. GRANTS REGARDING VISION CARE FOR CHILDREN.**

5       Part Q of title III of the Public Health Service Act  
6 (42 U.S.C. 280h et seq.) is amended by adding at the end  
7 the following:

8 **“SEC. 399Z-1. GRANTS REGARDING VISION CARE FOR CHIL-**  
9 **DREN.**

10       “(a) IN GENERAL.—The Secretary, acting through  
11 the Director of the Centers for Disease Control and Pre-  
12 vention, may award grants to States on the basis of an  
13 established review process for the purpose of comple-  
14 menting existing State efforts for—

15           “(1) providing comprehensive eye examinations  
16 (as defined in subsection (i)) by a licensed optom-  
17 etrist or ophthalmologist for eligible children (as de-  
18 fined in subsection (b)) who have been previously  
19 identified through a vision screening or eye examina-  
20 tion by a licensed health care provider or vision  
21 screener as needing such services, with priority given  
22 to children who are under the age of 9 years;

23           “(2) providing treatment or services to such  
24 children, subsequent to the examinations described  
25 in paragraph (1), that are necessary to correct vision  
26 problems; and

1           “(3) developing and disseminating, to parents,  
2           teachers, and health care practitioners, educational  
3           materials on recognizing signs of visual impairment  
4           in children.

5           “(b) ELIGIBLE CHILDREN.—

6           “(1) IN GENERAL.—For purposes of this sec-  
7           tion, the term ‘eligible child’ means, with respect to  
8           an examination described in paragraph (1) of sub-  
9           section (a) or a treatment or service described in  
10          paragraph (2) of such subsection and with respect to  
11          a State, a child who is a low-income child (as de-  
12          fined by the State) and who—

13                  “(A) is not eligible for medical assistance  
14                  under the State plan under title XIX of such  
15                  Act;

16                  “(B) subject to paragraph (2)(A), is not  
17                  eligible for child health assistance under the  
18                  State child health plan under title XXI of the  
19                  Social Security Act;

20                  “(C) subject to paragraph (2)(B), does not  
21                  have health insurance coverage (as defined in  
22                  section 2791) in the group market or in the in-  
23                  dividual market (as such terms are defined in  
24                  such section) and is not a beneficiary or partici-

1           pant under a group health plan (as defined in  
2           such section); and

3           “(D) is not receiving assistance under any  
4           State health compensation program or under  
5           any other Federal or State health benefits pro-  
6           gram for such examination, treatment, or serv-  
7           ice, respectively.

8           “(2) INCLUSION OF CERTAIN LOW-INCOME  
9           CHILDREN WITH HEALTH BENEFITS.—With respect  
10          to an examination described in paragraph (1) of sub-  
11          section (a) or a treatment or service described in  
12          paragraph (2) of such subsection and with respect to  
13          a State—

14               “(A) paragraph (1)(B) shall not apply to a  
15               child who is eligible for child health assistance  
16               under the State child health plan under title  
17               XXI of the Social Security Act (whether or not  
18               such child is enrolled under such plan), if such  
19               plan does not provide for coverage of such ex-  
20               amination, treatment, or service, respectively;  
21               and

22               “(B) paragraph (1)(C) shall not apply to a  
23               child described in such paragraph if no amount  
24               is payable under the coverage or plan described

1           in such paragraph for such examination, treat-  
2           ment, or service, respectively.

3           “(c) CRITERIA.—The Secretary, in consultation with  
4   appropriate professional and patient organizations includ-  
5   ing individuals with knowledge of age appropriate vision  
6   services, shall develop criteria—

7           “(1) governing the operation of the grant pro-  
8           gram under subsection (a); and

9           “(2) for the collection of data related to vision  
10          assessment and the utilization of follow-up services.

11          “(d) APPLICATION.—To be eligible to receive a grant  
12   under subsection (a), a State shall submit to the Secretary  
13   an application in such form, made in such manner, and  
14   containing such information as the Secretary may require,  
15   including—

16          “(1) information on existing Federal, Federal-  
17          State, or State-funded children’s vision programs;

18          “(2) a plan for the use of grant funds, includ-  
19          ing how funds will be used to complement existing  
20          State efforts (including possible partnerships with  
21          non-profit entities);

22          “(3) a plan to determine if an eligible child has  
23          been identified as provided for in subsection (a);

24          “(4) an assurance that funds will be used con-  
25          sistent with this section;

1           “(5) a description of how funds will be used to  
2       provide examinations, treatments, and services, con-  
3       sistent with this section; and

4           “(6) an assurance that, in providing examina-  
5       tions, treatments, and services through use of such  
6       grant, the State will give priority to eligible children  
7       with the lowest income.

8       “(e) EVALUATIONS.—To be eligible to receive a grant  
9   under subsection (a), a State shall agree that, not later  
10 than 1 year after the date on which amounts under the  
11 grant are first received by the State, and annually there-  
12 after while receiving amounts under the grant, the State  
13 will submit to the Secretary an evaluation of the oper-  
14 ations and activities carried out under the grant, includ-  
15 ing—

16           “(1) an assessment of the utilization of vision  
17       services and the status of children receiving these  
18       services as a result of the activities carried out  
19       under the grant;

20           “(2) the collection, analysis, and reporting of  
21       children’s vision data according to guidelines pre-  
22       scribed by the Secretary; and

23           “(3) such other information as the Secretary  
24       may require.

1       “(f) LIMITATIONS IN EXPENDITURE OF GRANT.—A  
2 grant may be made under subsection (a) only if the State  
3 involved agrees that the State will expend amounts re-  
4 ceived under such grant as follows:

5           “(1) The State will expend at least 80 percent  
6 of such amounts for the purposes described in para-  
7 graphs (1) and (2) of such subsection.

8           “(2) The State will not expend more than 10  
9 percent of such amounts to carry out the purpose  
10 described in paragraph (3) of such subsection.

11          “(3) The State will not expend more than 10  
12 percent of such amounts for administrative pur-  
13 poses.

14       “(g) MATCHING FUNDS.—

15           “(1) IN GENERAL.—With respect to the costs of  
16 the activities to be carried out with a grant under  
17 subsection (a), a condition for the receipt of the  
18 grant is that the State involved agrees to make  
19 available (directly or through donations from public  
20 or private entities) non-Federal contributions toward  
21 such costs in an amount that is not less than 25  
22 percent of such costs.

23           “(2) DETERMINATION OF AMOUNT CONTRIB-  
24 UTED.—Non-Federal contributions required in para-  
25 graph (1) may be in cash or in kind, fairly evalu-

1       ated, including plant, equipment, or services.  
2       Amounts provided by the Federal Government, or  
3       services assisted or subsidized to any significant ex-  
4       tent by the Federal Government, may not be in-  
5       cluded in determining the amount of such non-Fed-  
6       eral contributions.

7       “(h) SUPPLEMENT NOT SUPPLANT.—A State that  
8       receives a grant under this section shall ensure that  
9       amounts received under such grant will be used to supple-  
10      ment, and not supplant, any other Federal, State, or local  
11      funds available to carry out activities of the type carried  
12      out under the grant.

13      “(i) DEFINITIONS.—For purposes of this section:

14           “(1) CHILD.—The term ‘child’ means an indi-  
15      vidual who—

16                   “(A) has not attained 18 years of age; or

17                   “(B) has not attained 19 years of age and  
18           is a full-time student in a secondary school (or  
19           in the equivalent level of vocational or technical  
20           training).

21           “(2) COMPREHENSIVE EYE EXAMINATION.—

22      The term ‘comprehensive eye examination’ includes  
23      an assessment of a patient’s history, general medical  
24      observation, external and ophthalmoscopic examina-  
25      tion, visual acuity, ocular alignment and motility, re-



1 fraction, and as appropriate, binocular vision or  
2 gross visual fields, performed by an optometrist or  
3 an ophthalmologist.

4 “(j) AUTHORIZATION OF APPROPRIATIONS.—For the  
5 purpose of carrying out this section, there are authorized  
6 to be appropriated—

7 “(1) \$10,000,000 for fiscal year 2010;

8 “(2) \$13,000,000 for fiscal year 2011; and

9 “(3) \$14,000,000 for each of the fiscal years  
10 2012 through 2014.”.

Passed the House of Representatives March 31,  
2009.

Attest: LORRAINE C. MILLER,  
*Clerk.*