

Union Calendar No. 16

111TH CONGRESS
1ST SESSION

H. R. 577

[Report No. 111-46]

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2009

Mr. GENE GREEN of Texas (for himself, Mr. SULLIVAN, Mr. PASCRELL, Ms. ROS-LEHTINEN, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Energy and Commerce

MARCH 23, 2009

Additional sponsors: Mr. TIBERI, Mr. GORDON of Tennessee, Mr. PRICE of North Carolina, Mr. SIRES, Mr. GRAVES, Mr. LOBIONDO, Mr. LARSON of Connecticut, Mr. PAYNE, Mr. HINOJOSA, Ms. NORTON, Mr. CUMMINGS, Mr. WILSON of Ohio, Ms. KAPTUR, Ms. MCCOLLUM, Mr. CONYERS, Mr. ABERCROMBIE, Mr. KENNEDY, Mr. COURTNEY, Mr. OLVER, Mr. SESTAK, Ms. BERKLEY, Mr. MCGOVERN, Mr. HOLT, Ms. KILPATRICK of Michigan, Mrs. MALONEY, Mr. MACK, Mr. BISHOP of Georgia, Mr. CARNAHAN, Ms. SUTTON, Mr. BERMAN, Mr. SERRANO, Ms. ZOE LOFGREN of California, Mr. BOOZMAN, Mr. RYAN of Ohio, Mr. MCINTYRE, Ms. MATSUI, Mr. BRALEY of Iowa, Mr. SMITH of New Jersey, Mrs. CAPPS, Ms. BALDWIN, Mr. CHANDLER, Ms. CASTOR of Florida, Mr. GONZALEZ, Mr. MICHAUD, Mr. ELLISON, Mr. BOSWELL, Ms. WOOLSEY, Mr. TERRY, Mr. REHBERG, Mr. LATHAM, Ms. DEGETTE, Mr. CAPUANO, Mr. TIERNEY, and Ms. SLAUGHTER

MARCH 23, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]
[For text of introduced bill, see copy of bill as introduced on January 15, 2009]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Vision Care for Kids*
5 *Act of 2009”.*

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

7 *Part Q of title III of the Public Health Service Act*
8 *(42 U.S.C. 280h et seq.) is amended by adding at the end*
9 *the following:*

10 **“SEC. 399Z-1. GRANTS REGARDING VISION CARE FOR CHIL-**
11 **DREN.**

12 *“(a) IN GENERAL.—The Secretary, acting through the*
13 *Director of the Centers for Disease Control and Prevention,*
14 *may award grants to States on the basis of an established*
15 *review process for the purpose of complementing existing*
16 *State efforts for—*

17 *“(1) providing comprehensive eye examinations*
18 *(as defined in subsection (i)) by a licensed optometrist*
19 *or ophthalmologist for eligible children (as defined in*

1 subsection (b)) who have been previously identified
2 through a vision screening or eye examination by a
3 licensed health care provider or vision screener as
4 needing such services, with priority given to children
5 who are under the age of 9 years;

6 “(2) providing treatment or services to such chil-
7 dren, subsequent to the examinations described in
8 paragraph (1), that are necessary to correct vision
9 problems; and

10 “(3) developing and disseminating, to parents,
11 teachers, and health care practitioners, educational
12 materials on recognizing signs of visual impairment
13 in children.

14 “(b) *ELIGIBLE CHILDREN.*—

15 “(1) *IN GENERAL.*—For purposes of this section,
16 the term ‘eligible child’ means, with respect to an ex-
17 amination described in paragraph (1) of subsection
18 (a) or a treatment or service described in paragraph
19 (2) of such subsection and with respect to a State, a
20 child who is a low-income child (as defined by the
21 State) and who—

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

24 “(B) subject to paragraph (2)(A), is not eli-
25 gible for child health assistance under the State

1 *child health plan under title XXI of the Social*
2 *Security Act;*

3 “(C) *subject to paragraph (2)(B), does not*
4 *have health insurance coverage (as defined in*
5 *section 2791) in the group market or in the indi-*
6 *vidual market (as such terms are defined in such*
7 *section) and is not a beneficiary or participant*
8 *under a group health plan (as defined in such*
9 *section); and*

10 “(D) *is not receiving assistance under any*
11 *State health compensation program or under*
12 *any other Federal or State health benefits pro-*
13 *gram for such examination, treatment, or serv-*
14 *ice, respectively.*

15 “(2) *INCLUSION OF CERTAIN LOW-INCOME CHIL-*
16 *DREN WITH HEALTH BENEFITS.—With respect to an*
17 *examination described in paragraph (1) of subsection*
18 *(a) or a treatment or service described in paragraph*
19 *(2) of such subsection and with respect to a State—*

20 “(A) *paragraph (1)(B) shall not apply to a*
21 *child who is eligible for child health assistance*
22 *under the State child health plan under title*
23 *XXI of the Social Security Act (whether or not*
24 *such child is enrolled under such plan), if such*

1 *plan does not provide for coverage of such exam-*
2 *ination, treatment, or service, respectively; and*

3 “(B) *paragraph (1)(C) shall not apply to a*
4 *child described in such paragraph if no amount*
5 *is payable under the coverage or plan described*
6 *in such paragraph for such examination, treat-*
7 *ment, or service, respectively.*

8 “(c) *CRITERIA.—The Secretary, in consultation with*
9 *appropriate professional and patient organizations includ-*
10 *ing individuals with knowledge of age appropriate vision*
11 *services, shall develop criteria—*

12 “(1) *governing the operation of the grant pro-*
13 *gram under subsection (a); and*

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

16 “(d) *APPLICATION.—To be eligible to receive a grant*
17 *under subsection (a), a State shall submit to the Secretary*
18 *an application in such form, made in such manner, and*
19 *containing such information as the Secretary may require,*
20 *including—*

21 “(1) *information on existing Federal, Federal-*
22 *State, or State-funded children’s vision programs;*

23 “(2) *a plan for the use of grant funds, including*
24 *how funds will be used to complement existing State*

1 *efforts (including possible partnerships with non-prof-*
2 *it entities);*

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

5 *“(4) an assurance that funds will be used con-*
6 *sistent with this section;*

7 *“(5) a description of how funds will be used to*
8 *provide examinations, treatments, and services, con-*
9 *sistent with this section; and*

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

14 *“(e) EVALUATIONS.—To be eligible to receive a grant*
15 *under subsection (a), a State shall agree that, not later than*
16 *1 year after the date on which amounts under the grant*
17 *are first received by the State, and annually thereafter*
18 *while receiving amounts under the grant, the State will sub-*
19 *mit to the Secretary an evaluation of the operations and*
20 *activities carried out under the grant, including—*

21 *“(1) an assessment of the utilization of vision*
22 *services and the status of children receiving these serv-*
23 *ices as a result of the activities carried out under the*
24 *grant;*

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

4 “(3) *such other information as the Secretary*
5 *may require.*

6 “(f) *LIMITATIONS IN EXPENDITURE OF GRANT.—A*
7 *grant may be made under subsection (a) only if the State*
8 *involved agrees that the State will expend amounts received*
9 *under such grant as follows:*

10 “(1) *The State will expend at least 80 percent of*
11 *such amounts for the purposes described in para-*
12 *graphs (1) and (2) of such subsection.*

13 “(2) *The State will not expend more than 10*
14 *percent of such amounts to carry out the purpose de-*
15 *scribed in paragraph (3) of such subsection.*

16 “(3) *The State will not expend more than 10*
17 *percent of such amounts for administrative purposes.*

18 “(g) *MATCHING FUNDS.—*

19 “(1) *IN GENERAL.—With respect to the costs of*
20 *the activities to be carried out with a grant under*
21 *subsection (a), a condition for the receipt of the grant*
22 *is that the State involved agrees to make available*
23 *(directly or through donations from public or private*
24 *entities) non-Federal contributions toward such costs*

1 *in an amount that is not less than 25 percent of such*
2 *costs.*

3 “(2) *DETERMINATION OF AMOUNT CONTRIB-*
4 *UTED.—Non-Federal contributions required in para-*
5 *graph (1) may be in cash or in kind, fairly evaluated,*
6 *including plant, equipment, or services. Amounts pro-*
7 *vided by the Federal Government, or services assisted*
8 *or subsidized to any significant extent by the Federal*
9 *Government, may not be included in determining the*
10 *amount of such non-Federal contributions.*

11 “(h) *SUPPLEMENT NOT SUPPLANT.—A State that re-*
12 *ceives a grant under this section shall ensure that amounts*
13 *received under such grant will be used to supplement, and*
14 *not supplant, any other Federal, State, or local funds avail-*
15 *able to carry out activities of the type carried out under*
16 *the grant.*

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

18 “(1) *CHILD.—The term ‘child’ means an indi-*
19 *vidual who—*

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

21 “(B) *has not attained 19 years of age and*
22 *is a full-time student in a secondary school (or*
23 *in the equivalent level of vocational or technical*
24 *training).*

1 “(2) *COMPREHENSIVE EYE EXAMINATION.*—*The*
2 *term ‘comprehensive eye examination’ includes an as-*
3 *essment of a patient’s history, general medical obser-*
4 *vation, external and ophthalmoscopic examination,*
5 *visual acuity, ocular alignment and motility, refra-*
6 *tion, and as appropriate, binocular vision or gross*
7 *visual fields, performed by an optometrist or an oph-*
8 *thalmologist.*

9 “(j) *AUTHORIZATION OF APPROPRIATIONS.*—*For the*
10 *purpose of carrying out this section, there are authorized*
11 *to be appropriated—*

12 “(1) \$10,000,000 for fiscal year 2010;

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

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

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