



Sen. Mattie Hunter

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1 AMENDMENT TO SENATE BILL 2742

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2742 on page 2,  
3 immediately below line 36, by inserting the following:

4 "Section 10. The School Code is amended by changing Section  
5 27-8.1 as follows:

6 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

7 Sec. 27-8.1. Health examinations and immunizations.

8 (1) In compliance with rules and regulations which the  
9 Department of Public Health shall promulgate, and except as  
10 hereinafter provided, all children in Illinois shall have a  
11 health examination as follows: within one year prior to  
12 entering kindergarten or the first grade of any public,  
13 private, or parochial elementary school; upon entering the  
14 fifth and ninth grades of any public, private, or parochial  
15 school; prior to entrance into any public, private, or  
16 parochial nursery school; and, irrespective of grade,  
17 immediately prior to or upon entrance into any public, private,  
18 or parochial school or nursery school, each child shall present  
19 proof of having been examined in accordance with this Section  
20 and the rules and regulations promulgated hereunder.

21 A tuberculosis skin test screening shall be included as a  
22 required part of each health examination included under this  
23 Section if the child resides in an area designated by the  
24 Department of Public Health as having a high incidence of

1 tuberculosis. Additional health examinations of pupils,  
2 including dental and vision examinations, may be required when  
3 deemed necessary by school authorities. Parents are encouraged  
4 to have their children undergo dental and vision examinations  
5 at the same points in time required for health examinations.

6 (2) The Department of Public Health shall promulgate rules  
7 and regulations specifying the examinations and procedures  
8 that constitute a health examination, which shall include the  
9 collection of data relating to obesity, including at a minimum,  
10 date of birth, gender, height, weight, blood pressure, waist  
11 circumference, and date of exam, and may recommend by rule that  
12 certain additional examinations be performed. The rules and  
13 regulations of the Department of Public Health shall specify  
14 that a tuberculosis skin test screening shall be included as a  
15 required part of each health examination included under this  
16 Section if the child resides in an area designated by the  
17 Department of Public Health as having a high incidence of  
18 tuberculosis. The Department of Public Health shall specify  
19 that a diabetes screening as defined by rule shall be included  
20 as a required part of each health examination. Diabetes testing  
21 is not required.

22 Physicians licensed to practice medicine in all of its  
23 branches, advanced practice nurses who have a written  
24 collaborative agreement with a collaborating physician which  
25 authorizes them to perform health examinations, or physician  
26 assistants who have been delegated the performance of health  
27 examinations by their supervising physician shall be  
28 responsible for the performance of the health examinations,  
29 other than dental examinations and vision and hearing  
30 screening, and shall sign all report forms required by  
31 subsection (4) of this Section that pertain to those portions  
32 of the health examination for which the physician, advanced  
33 practice nurse, or physician assistant is responsible. If a  
34 registered nurse performs any part of a health examination,

1 then a physician licensed to practice medicine in all of its  
2 branches must review and sign all required report forms.  
3 Licensed dentists shall perform all dental examinations and  
4 shall sign all report forms required by subsection (4) of this  
5 Section that pertain to the dental examinations. Physicians  
6 licensed to practice medicine in all its branches, or licensed  
7 optometrists, shall perform all vision exams required by school  
8 authorities and shall sign all report forms required by  
9 subsection (4) of this Section that pertain to the vision exam.  
10 Vision and hearing screening tests, which shall not be  
11 considered examinations as that term is used in this Section,  
12 shall be conducted in accordance with rules and regulations of  
13 the Department of Public Health, and by individuals whom the  
14 Department of Public Health has certified. In these rules and  
15 regulations, the Department of Public Health shall require that  
16 individuals conducting vision screening tests give a child's  
17 parent or guardian written notification, before the vision  
18 screening is conducted, that states, "Vision screening is not a  
19 substitute for a complete eye and vision evaluation by an eye  
20 doctor. Your child is not required to undergo this vision  
21 screening if an optometrist or ophthalmologist has completed  
22 and signed a report form indicating that an examination has  
23 been administered within the previous 12 months."

24 (3) Every child shall, at or about the same time as he or  
25 she receives a health examination required by subsection (1) of  
26 this Section, present to the local school proof of having  
27 received such immunizations against preventable communicable  
28 diseases as the Department of Public Health shall require by  
29 rules and regulations promulgated pursuant to this Section and  
30 the Communicable Disease Prevention Act.

31 (4) The individuals conducting the health examination  
32 shall record the fact of having conducted the examination, and  
33 such additional information as required, including data  
34 relating to obesity, including at a minimum, date of birth,

1 gender, height, weight, blood pressure, waist circumference  
2 and date of exam, on uniform forms which the Department of  
3 Public Health and the State Board of Education shall prescribe  
4 for statewide use. The examiner shall summarize on the report  
5 form any condition that he or she suspects indicates a need for  
6 special services, including factors relating to obesity. The  
7 individuals confirming the administration of required  
8 immunizations shall record as indicated on the form that the  
9 immunizations were administered.

10 (5) If a child does not submit proof of having had either  
11 the health examination or the immunization as required, then  
12 the child shall be examined or receive the immunization, as the  
13 case may be, and present proof by October 15 of the current  
14 school year, or by an earlier date of the current school year  
15 established by a school district. To establish a date before  
16 October 15 of the current school year for the health  
17 examination or immunization as required, a school district must  
18 give notice of the requirements of this Section 60 days prior  
19 to the earlier established date. If for medical reasons one or  
20 more of the required immunizations must be given after October  
21 15 of the current school year, or after an earlier established  
22 date of the current school year, then the child shall present,  
23 by October 15, or by the earlier established date, a schedule  
24 for the administration of the immunizations and a statement of  
25 the medical reasons causing the delay, both the schedule and  
26 the statement being issued by the physician, advanced practice  
27 nurse, physician assistant, registered nurse, or local health  
28 department that will be responsible for administration of the  
29 remaining required immunizations. If a child does not comply by  
30 October 15, or by the earlier established date of the current  
31 school year, with the requirements of this subsection, then the  
32 local school authority shall exclude that child from school  
33 until such time as the child presents proof of having had the  
34 health examination as required and presents proof of having

1 received those required immunizations which are medically  
2 possible to receive immediately. During a child's exclusion  
3 from school for noncompliance with this subsection, the child's  
4 parents or legal guardian shall be considered in violation of  
5 Section 26-1 and subject to any penalty imposed by Section  
6 26-10.

7 (6) Every school shall report to the State Board of  
8 Education by November 15, in the manner which that agency shall  
9 require, the number of children who have received the necessary  
10 immunizations and the health examination as required,  
11 indicating, of those who have not received the immunizations  
12 and examination as required, the number of children who are  
13 exempt from health examination and immunization requirements  
14 on religious or medical grounds as provided in subsection (8).  
15 This reported information shall be provided to the Department  
16 of Public Health by the State Board of Education.

17 (7) Upon determining that the number of pupils who are  
18 required to be in compliance with subsection (5) of this  
19 Section is below 90% of the number of pupils enrolled in the  
20 school district, 10% of each State aid payment made pursuant to  
21 Section 18-8 to the school district for such year shall be  
22 withheld by the regional superintendent until the number of  
23 students in compliance with subsection (5) is the applicable  
24 specified percentage or higher.

25 (8) Parents or legal guardians who object to health  
26 examinations or any part thereof, or to immunizations, on  
27 religious grounds shall not be required to submit their  
28 children or wards to the examinations or immunizations to which  
29 they so object if such parents or legal guardians present to  
30 the appropriate local school authority a signed statement of  
31 objection, detailing the grounds for the objection. If the  
32 physical condition of the child is such that any one or more of  
33 the immunizing agents should not be administered, the examining  
34 physician, advanced practice nurse, or physician assistant

1 responsible for the performance of the health examination shall  
2 endorse that fact upon the health examination form. Exempting a  
3 child from the health examination does not exempt the child  
4 from participation in the program of physical education  
5 training provided in Sections 27-5 through 27-7 of this Code.

6 (9) For the purposes of this Section, "nursery schools"  
7 means those nursery schools operated by elementary school  
8 systems or secondary level school units or institutions of  
9 higher learning.

10 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;  
11 93-530, eff. 1-1-04; revised 9-11-03.)

12 Section 15. The Illinois Health Statistics Act is amended  
13 by changing Section 4 as follows:

14 (410 ILCS 520/4) (from Ch. 111 1/2, par. 5604)

15 Sec. 4. (a) In carrying out the purposes of this Act, the  
16 Department may:

17 (1) Collect and maintain health data on:

18 (i) The extent, nature, and impact of illness, including  
19 factors relating to obesity and disability on the population of  
20 the State;

21 (ii) The determinants of health and health hazards  
22 including obesity;

23 (iii) Health resources, including the extent of available  
24 manpower and resources;

25 (iv) Utilization of health care;

26 (v) Health care costs and financing; and

27 (vi) Other health or health-related matters.

28 (2) Undertake and support research, demonstrations, and  
29 evaluations respecting new or improved methods for obtaining  
30 current data on the matters referred to in subparagraph (1).

31 (b) The Department may collect health data under authority  
32 granted by any unit of local government and on behalf of other

1 governmental or not-for-profit organizations, including data  
2 collected by local schools and the State Board of Education  
3 relating to obesity on the health examination form required  
4 pursuant to Section 27-8.1 of the School Code.

5 (c) The Department shall collect data only on a voluntary  
6 basis from individuals and organizations, except when there is  
7 specific legal authority to compel the mandatory reporting of  
8 the health data so requested. In making any collection of  
9 health data from an individual or organization the Department  
10 must give to such individual or organization a written  
11 statement which states:

12 (1) Whether the individual or organization is required to  
13 respond, and any sanctions for noncompliance;

14 (2) The purposes for which the health data are being  
15 collected; and

16 (3) In the case of any disclosure of identifiable health  
17 data for other than research and statistical purposes, the  
18 items to be disclosed, to whom the data are to be disclosed and  
19 the purposes for which the data are to be disclosed.

20 (d) Except as provided in Section 5, no health data  
21 obtained in the course of activities undertaken or supported  
22 under this Act may be used for any purpose other than the  
23 purpose for which they were supplied or for which the  
24 individual or organization described in the data has otherwise  
25 consented.

26 (e) The Department shall take such actions as may be  
27 necessary to assure that statistics developed under this Act  
28 are of high quality, timely, comprehensive, as well as  
29 specific, standardized and adequately analyzed and indexed.

30 (f) The Department shall take such action as is appropriate  
31 to effect the coordination of health data activities, including  
32 health data specifically relating to obesity collected  
33 pursuant to Section 27-8.1 of the School Code, within the State  
34 to eliminate unnecessary duplication of data collection and

1 maximize the usefulness of data collected.

2 (g) The Department shall (1) participate with state, local  
3 and federal agencies in the design and implementation of a  
4 cooperative system for producing comparable and uniform health  
5 information and statistics at the federal, state, and local  
6 levels; and (2) undertake and support research, development,  
7 demonstrations, and evaluations respecting such cooperative  
8 system.

9 (Source: P.A. 82-215.)".