



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Mattie Hunter

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1
410 ILCS 520/4

from Ch. 122, par. 27-8.1
from Ch. 111 1/2, par. 5604

Amends the School Code and the Illinois Health Statistics Act. Provides that health examinations shall include the collection of data relating to obesity, including at a minimum, date of birth, gender, height, weight, blood pressure, waist circumference, and date of exam. Provides that the Department of Public Health shall collect and maintain health data on the extent, nature, and impact of obesity. Provides that the Department may collect health data from local schools and the State Board of Education relating to obesity on health examination forms.

LRB093 20927 RXD 46904 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

30 (2) The Department of Public Health shall promulgate rules
31 and regulations specifying the examinations and procedures
32 that constitute a health examination, which shall include the

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

14 Physicians licensed to practice medicine in all of its
15 branches, advanced practice nurses who have a written
16 collaborative agreement with a collaborating physician which
17 authorizes them to perform health examinations, or physician
18 assistants who have been delegated the performance of health
19 examinations by their supervising physician shall be
20 responsible for the performance of the health examinations,
21 other than dental examinations and vision and hearing
22 screening, and shall sign all report forms required by
23 subsection (4) of this Section that pertain to those portions
24 of the health examination for which the physician, advanced
25 practice nurse, or physician assistant is responsible. If a
26 registered nurse performs any part of a health examination,
27 then a physician licensed to practice medicine in all of its
28 branches must review and sign all required report forms.
29 Licensed dentists shall perform all dental examinations and
30 shall sign all report forms required by subsection (4) of this
31 Section that pertain to the dental examinations. Physicians
32 licensed to practice medicine in all its branches, or licensed
33 optometrists, shall perform all vision exams required by school
34 authorities and shall sign all report forms required by
35 subsection (4) of this Section that pertain to the vision exam.
36 Vision and hearing screening tests, which shall not be

1 considered examinations as that term is used in this Section,
2 shall be conducted in accordance with rules and regulations of
3 the Department of Public Health, and by individuals whom the
4 Department of Public Health has certified. In these rules and
5 regulations, the Department of Public Health shall require that
6 individuals conducting vision screening tests give a child's
7 parent or guardian written notification, before the vision
8 screening is conducted, that states, "Vision screening is not a
9 substitute for a complete eye and vision evaluation by an eye
10 doctor. Your child is not required to undergo this vision
11 screening if an optometrist or ophthalmologist has completed
12 and signed a report form indicating that an examination has
13 been administered within the previous 12 months."

14 (3) Every child shall, at or about the same time as he or
15 she receives a health examination required by subsection (1) of
16 this Section, present to the local school proof of having
17 received such immunizations against preventable communicable
18 diseases as the Department of Public Health shall require by
19 rules and regulations promulgated pursuant to this Section and
20 the Communicable Disease Prevention Act.

21 (4) The individuals conducting the health examination
22 shall record the fact of having conducted the examination, and
23 such additional information as required, including data
24 relating to obesity, including at a minimum, date of birth,
25 gender, height, weight, blood pressure, waist circumference
26 and date of exam, on uniform forms which the Department of
27 Public Health and the State Board of Education shall prescribe
28 for statewide use. The examiner shall summarize on the report
29 form any condition that he or she suspects indicates a need for
30 special services, including factors relating to obesity. The
31 individuals confirming the administration of required
32 immunizations shall record as indicated on the form that the
33 immunizations were administered.

34 (5) If a child does not submit proof of having had either
35 the health examination or the immunization as required, then
36 the child shall be examined or receive the immunization, as the

1 case may be, and present proof by October 15 of the current
2 school year, or by an earlier date of the current school year
3 established by a school district. To establish a date before
4 October 15 of the current school year for the health
5 examination or immunization as required, a school district must
6 give notice of the requirements of this Section 60 days prior
7 to the earlier established date. If for medical reasons one or
8 more of the required immunizations must be given after October
9 15 of the current school year, or after an earlier established
10 date of the current school year, then the child shall present,
11 by October 15, or by the earlier established date, a schedule
12 for the administration of the immunizations and a statement of
13 the medical reasons causing the delay, both the schedule and
14 the statement being issued by the physician, advanced practice
15 nurse, physician assistant, registered nurse, or local health
16 department that will be responsible for administration of the
17 remaining required immunizations. If a child does not comply by
18 October 15, or by the earlier established date of the current
19 school year, with the requirements of this subsection, then the
20 local school authority shall exclude that child from school
21 until such time as the child presents proof of having had the
22 health examination as required and presents proof of having
23 received those required immunizations which are medically
24 possible to receive immediately. During a child's exclusion
25 from school for noncompliance with this subsection, the child's
26 parents or legal guardian shall be considered in violation of
27 Section 26-1 and subject to any penalty imposed by Section
28 26-10.

29 (6) Every school shall report to the State Board of
30 Education by November 15, in the manner which that agency shall
31 require, the number of children who have received the necessary
32 immunizations and the health examination as required,
33 indicating, of those who have not received the immunizations
34 and examination as required, the number of children who are
35 exempt from health examination and immunization requirements
36 on religious or medical grounds as provided in subsection (8).

1 This reported information shall be provided to the Department
2 of Public Health by the State Board of Education.

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

11 (8) Parents or legal guardians who object to health
12 examinations or any part thereof, or to immunizations, on
13 religious grounds shall not be required to submit their
14 children or wards to the examinations or immunizations to which
15 they so object if such parents or legal guardians present to
16 the appropriate local school authority a signed statement of
17 objection, detailing the grounds for the objection. If the
18 physical condition of the child is such that any one or more of
19 the immunizing agents should not be administered, the examining
20 physician, advanced practice nurse, or physician assistant
21 responsible for the performance of the health examination shall
22 endorse that fact upon the health examination form. Exempting a
23 child from the health examination does not exempt the child
24 from participation in the program of physical education
25 training provided in Sections 27-5 through 27-7 of this Code.

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

30 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;
31 93-530, eff. 1-1-04; revised 9-11-03.)

32 Section 10. The Illinois Health Statistics Act is amended
33 by changing Section 4 as follows:

34 (410 ILCS 520/4) (from Ch. 111 1/2, par. 5604)

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

3 (1) Collect and maintain health data on:

4 (i) The extent, nature, and impact of illness, including
5 factors relating to obesity and disability on the population of
6 the State;

7 (ii) The determinants of health and health hazards
8 including obesity;

9 (iii) Health resources, including the extent of available
10 manpower and resources;

11 (iv) Utilization of health care;

12 (v) Health care costs and financing; and

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

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

17 (b) The Department may collect health data under authority
18 granted by any unit of local government and on behalf of other
19 governmental or not-for-profit organizations, including data
20 collected by local schools and the State Board of Education
21 relating to obesity on the health examination form required
22 pursuant to Section 27-8.1 of the School Code.

23 (c) The Department shall collect data only on a voluntary
24 basis from individuals and organizations, except when there is
25 specific legal authority to compel the mandatory reporting of
26 the health data so requested. In making any collection of
27 health data from an individual or organization the Department
28 must give to such individual or organization a written
29 statement which states:

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

32 (2) The purposes for which the health data are being
33 collected; and

34 (3) In the case of any disclosure of identifiable health
35 data for other than research and statistical purposes, the
36 items to be disclosed, to whom the data are to be disclosed and

1 the purposes for which the data are to be disclosed.

2 (d) Except as provided in Section 5, no health data
3 obtained in the course of activities undertaken or supported
4 under this Act may be used for any purpose other than the
5 purpose for which they were supplied or for which the
6 individual or organization described in the data has otherwise
7 consented.

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

12 (f) The Department shall take such action as is appropriate
13 to effect the coordination of health data activities, including
14 health data specifically relating to obesity collected
15 pursuant to Section 27-8.1 of the School Code, within the State
16 to eliminate unnecessary duplication of data collection and
17 maximize the usefulness of data collected.

18 (g) The Department shall (1) participate with state, local
19 and federal agencies in the design and implementation of a
20 cooperative system for producing comparable and uniform health
21 information and statistics at the federal, state, and local
22 levels; and (2) undertake and support research, development,
23 demonstrations, and evaluations respecting such cooperative
24 system.

25 (Source: P.A. 82-215.)