



Health Care Availability and Access Committee

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LRB095 03915 KBJ 32805 a

1 AMENDMENT TO HOUSE BILL 193

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 193 by replacing  
3 everything after the enacting clause with the following:

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,

1 immediately prior to or upon entrance into any public, private,  
2 or parochial school or nursery school, each child shall present  
3 proof of having been examined in accordance with this Section  
4 and the rules and regulations promulgated hereunder.

5 A tuberculosis skin test screening shall be included as a  
6 required part of each health examination included under this  
7 Section if the child resides in an area designated by the  
8 Department of Public Health as having a high incidence of  
9 tuberculosis. Additional health examinations of pupils,  
10 including vision examinations, may be required when deemed  
11 necessary by school authorities. Parents are encouraged to have  
12 their children undergo vision examinations at the same points  
13 in time required for health examinations.

14 (1.5) In compliance with rules adopted by the Department of  
15 Public Health and except as otherwise provided in this Section,  
16 all children in kindergarten and the second and sixth grades of  
17 any public, private, or parochial school shall have a dental  
18 examination. Each of these children shall present proof of  
19 having been examined by a dentist in accordance with this  
20 Section and rules adopted under this Section before May 15th of  
21 the school year. If a child in the second or sixth grade fails  
22 to present proof by May 15th, the school may hold the child's  
23 report card until one of the following occurs: (i) the child  
24 presents proof of a completed dental examination or (ii) the  
25 child presents proof that a dental examination will take place  
26 within 60 days after May 15th. The Department of Public Health

1 shall establish, by rule, a waiver for children who show an  
2 undue burden or a lack of access to a dentist. Each public,  
3 private, and parochial school must give notice of this dental  
4 examination requirement to the parents and guardians of  
5 students at least 60 days before May 15th of each school year.

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  
10 minimum, date of birth, gender, height, weight, blood pressure,  
11 and date of exam), and a dental examination and may recommend  
12 by rule that certain additional examinations be performed. The  
13 rules and regulations of the Department of Public Health shall  
14 specify that a tuberculosis skin test screening shall be  
15 included as a required part of each health examination included  
16 under this Section if the child resides in an area designated  
17 by the Department of Public Health as having a high incidence  
18 of 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 The Department of Public Health shall adopt rules  
23 specifying that testing for the human immunodeficiency virus  
24 (HIV) be included as a required part of the health examination  
25 required under this Section, taking into consideration the  
26 recommendations of the U.S. Centers for Disease Control and

1 Prevention.

2 Physicians licensed to practice medicine in all of its  
3 branches, advanced practice nurses who have a written  
4 collaborative agreement with a collaborating physician which  
5 authorizes them to perform health examinations, or physician  
6 assistants who have been delegated the performance of health  
7 examinations by their supervising physician shall be  
8 responsible for the performance of the health examinations,  
9 other than dental examinations and vision and hearing  
10 screening, and shall sign all report forms required by  
11 subsection (4) of this Section that pertain to those portions  
12 of the health examination for which the physician, advanced  
13 practice nurse, or physician assistant is responsible. If a  
14 registered nurse performs any part of a health examination,  
15 then a physician licensed to practice medicine in all of its  
16 branches must review and sign all required report forms.  
17 Licensed dentists shall perform all dental examinations and  
18 shall sign all report forms required by subsection (4) of this  
19 Section that pertain to the dental examinations. Physicians  
20 licensed to practice medicine in all its branches, or licensed  
21 optometrists, shall perform all vision exams required by school  
22 authorities and shall sign all report forms required by  
23 subsection (4) of this Section that pertain to the vision exam.  
24 Vision and hearing screening tests, which shall not be  
25 considered examinations as that term is used in this Section,  
26 shall be conducted in accordance with rules and regulations of

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

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

19 (4) The individuals conducting the health examination or  
20 dental examination shall record the fact of having conducted  
21 the examination, and such additional information as required,  
22 including for a health examination data relating to obesity,  
23 (including at a minimum, date of birth, gender, height, weight,  
24 blood pressure, and date of exam), on uniform forms which the  
25 Department of Public Health and the State Board of Education  
26 shall prescribe for statewide use. The examiner shall summarize

1 on the report form any condition that he or she suspects  
2 indicates a need for special services, including for a health  
3 examination factors relating to obesity. The individuals  
4 confirming the administration of required immunizations shall  
5 record as indicated on the form that the immunizations were  
6 administered.

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

1 October 15, or by the earlier established date of the current  
2 school year, with the requirements of this subsection, then the  
3 local school authority shall exclude that child from school  
4 until such time as the child presents proof of having had the  
5 health examination as required and presents proof of having  
6 received those required immunizations which are medically  
7 possible to receive immediately. During a child's exclusion  
8 from school for noncompliance with this subsection, the child's  
9 parents or legal guardian shall be considered in violation of  
10 Section 26-1 and subject to any penalty imposed by Section  
11 26-10. This subsection (5) does not apply to dental  
12 examinations.

13 (6) Every school shall report to the State Board of  
14 Education by November 15, in the manner which that agency shall  
15 require, the number of children who have received the necessary  
16 immunizations and the health examination (other than a dental  
17 examination) as required, indicating, of those who have not  
18 received the immunizations and examination as required, the  
19 number of children who are exempt from health examination and  
20 immunization requirements on religious or medical grounds as  
21 provided in subsection (8). Every school shall report to the  
22 State Board of Education by June 30, in the manner that the  
23 State Board requires, the number of children who have received  
24 the required dental examination, indicating, of those who have  
25 not received the required dental examination, the number of  
26 children who are exempt from the dental examination on

1 religious grounds as provided in subsection (8) of this Section  
2 and the number of children who have received a waiver under  
3 subsection (1.5) of this Section. This reported information  
4 shall be provided to the Department of Public Health by the  
5 State Board of Education.

6 (7) Upon determining that the number of pupils who are  
7 required to be in compliance with subsection (5) of this  
8 Section is below 90% of the number of pupils enrolled in the  
9 school district, 10% of each State aid payment made pursuant to  
10 Section 18-8.05 to the school district for such year shall be  
11 withheld by the regional superintendent until the number of  
12 students in compliance with subsection (5) is the applicable  
13 specified percentage or higher.

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



1 child from participation in the program of physical education  
2 training provided in Sections 27-5 through 27-7 of this Code.

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

7 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;  
8 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05;  
9 revised 12-1-05.)

10 Section 10. The Communicable Disease Prevention Act is  
11 amended by changing Section 1 as follows:

12 (410 ILCS 315/1) (from Ch. 111 1/2, par. 22.11)

13 Sec. 1. (a) Certain communicable diseases such as measles,  
14 poliomyelitis and tetanus, may and do result in serious  
15 physical and mental disability including mental retardation,  
16 permanent paralysis, encephalitis, convulsions, pneumonia, and  
17 not infrequently, death.

18 Most of these diseases attack young children, and if they  
19 have not been immunized, may spread to other susceptible  
20 children and possibly, adults, thus, posing serious threats to  
21 the health of the community. Effective, safe and widely used  
22 vaccines and immunization procedures have been developed and  
23 are available to prevent these diseases and to limit their  
24 spread. Even though such immunization procedures are

1 available, many children fail to receive this protection either  
2 through parental oversight, lack of concern, knowledge or  
3 interest, or lack of available facilities or funds. The  
4 existence of susceptible children in the community constitutes  
5 a health hazard to the individual and to the public at large by  
6 serving as a focus for the spread of these communicable  
7 diseases.

8 It is declared to be the public policy of this State that  
9 all children shall be protected, as soon after birth as  
10 medically indicated, by the appropriate vaccines and  
11 immunizing procedures to prevent communicable diseases which  
12 are or which may in the future become preventable by  
13 immunization.

14 (b) The human immunodeficiency virus (HIV) and acquired  
15 immunodeficiency syndrome (AIDS) are leading causes of illness  
16 and death. Effective September 2006, the U.S. Centers for  
17 Disease Control and Prevention (CDC) revised its  
18 recommendations for HIV testing due to the changing  
19 demographics of the persons who have become infected since the  
20 1980's, which include increasing proportions of persons less  
21 than 20 years of age, women, members of racial and ethnic  
22 minority populations, persons who reside outside metropolitan  
23 areas, and heterosexual men and women who frequently are  
24 unaware that they are at risk for HIV. The CDC reports that  
25 prevention strategies that incorporate universal HIV screening  
26 have been highly effective and recommends screening for HIV

1 infection for all persons 13 to 64 years of age.

2 It is declared to be the public policy of this State that  
3 HIV screening be conducted in accordance with the  
4 recommendations of the U.S. Centers for Disease Control and  
5 Prevention and that the Department of Public Health develop and  
6 administer policies and procedures to control and prevent HIV  
7 and AIDS, taking into consideration the recommendations of the  
8 U.S. Centers for Disease Control and Prevention.

9 (Source: P.A. 78-255; 78-303; 78-1297.)

10 Section 90. The State Mandates Act is amended by adding  
11 Section 8.31 as follows:

12 (30 ILCS 805/8.31 new)

13 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
14 of this Act, no reimbursement by the State is required for the  
15 implementation of any mandate created by this amendatory Act of  
16 the 95th General Assembly."