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TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH

Chapter 531- Vision Screening

Compiled from the Secretary of State's Website

Effective as of 9-11-2020

Copied from Secretary of State website October 13, 2021

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Chapter 531 - Vision Screening

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[**Authority:** 63 O.S., §§ 1-104, 1-105 and 1-106 et seq.; 70 O.S., § 1210.284]

[**Source:** Codified 5-11-07]

Subchapter 1 - General Provisions

Section 310:531-1-1	Purpose
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310:531-1-1. Purpose

This subchapter identifies the authority and provides definitions for vision screening services provided to elementary school age children by approved vision screening providers.

[Source: Added at 24 Ok Reg 867, eff 5-11-07; Amended at 26 Ok Reg 2036, eff 6-25-09; Amended at 27 Ok Reg 2526, eff 7-25-10]

310:531-1-2. Authority

Commissioner of the Oklahoma State Department of Health; 70 O.S. § 1210.284; 63 O.S. §§1-103, 1-103a.1, 1-104 and 1-106 et seq.

[Source: Added at 24 Ok Reg 867, eff 5-11-07; Amended at 31 Ok Reg 1591, eff 9-12-14; Amended at 37 Ok Reg 1411, eff 9-11-20]

310:531-1-3. Definitions

When used in this Chapter, the following words or terms shall have the following meaning unless the context of the sentence requires another meaning:

"Board" means the State Board of Health.

"Commissioner" means the State Commissioner of Health of the Oklahoma State Department of Health.

"Comprehensive Eye Exam" means a clinical assessment and tests administered by a licensed optometrist or ophthalmologist to assess a person's level of vision as well as detect any abnormality or diseases.

"Department" means the Oklahoma State Department of Health.

"Infant and Children's Health Advisory Council" means the advisory council to the Board and Department in the area of infant and child health including vision screening.

"LEA Numbers Chart" means a vision screening test that determines relative visual acuity for distance vision using a chart with numbers. Chart is recommended for school age children and can be used with children who use English as a second language.

"Ophthalmologist" means a person licensed by the state of Oklahoma to practice medicine who has a specialty in ophthalmology.

"Optometrist" means a person licensed by the state of Oklahoma to practice optometry.

"Referral" means parent/guardian notification that the student's screening results indicate a need for a comprehensive eye exam by an ophthalmologist or optometrist.

"Sloan Letters Chart" means a vision screening test that determines relative visual acuity for distance vision using a chart with letters. Chart is recommended for school age children.

"Vision screening provider(s)" means a person(s) who has successfully completed vision screening training using curricula approved by the Department, submitted an application to the Department, and has been approved by the Department as being a vision screening provider.

"Vision screening" means the process or system used to identify children in grades K, 1 and 3 who may be at risk of having or developing visual problems that may adversely affect their ability to acquire knowledge, skill or learning, for the purpose of recommending further evaluation by an optometrist or ophthalmologist.

"Vision screening trainer(s)" is a person(s) who has been approved as a vision screening provider and completed additional training approved by the Department to provide training to potential vision screening providers.

"Vision Screening Registry" is a system for collecting and maintaining in a structured manner the names of individuals that have been approved by the Department as vision screening providers.

[Source: Added at 24 Ok Reg 867, eff 5-11-07; Amended at 26 Ok Reg 2036, eff 6-25-09; Amended at 27 Ok Reg 2526, eff 7-25-10; Amended at 31 Ok Reg 1591, eff 9-12-14; Amended at 37 Ok Reg 1411, eff 9-11-20]

Subchapter 3 - Advisory Committee [Revoked]

Section 310:531-3-1	Purpose [Revoked]
Section 310:531-3-2	Advisory Committee [Revoked]
Section 310:531-3-3	Rules of Order [Revoked]

310:531-3-1. Purpose [REVOKED]

[Source: Added at 24 Ok Reg 867, eff 5-11-07; Amended at 26 Ok Reg 2036, eff 6-25-09; Revoked at 31 Ok Reg 1591, eff 9-12-14]

310:531-3-2. Advisory Committee [REVOKED]

[Source: Added at 24 Ok Reg 867, eff 5-11-07; Revoked at 31 Ok Reg 1591, eff 9-12-14]

310:531-3-3. Rules of Order [REVOKED]

[Source: Added at 24 Ok Reg 867, eff 5-11-07; Revoked at 31 Ok Reg 1591, eff 9-12-14]

Subchapter 5 - Vision Screening Standards for Children

Section 310:531-5-1	Purpose
Section 310:531-5-2	Oklahoma Vision Screening Standards
Section 310:531-5-3	Approval of vision screening providers
Section 310:531-5-4	Disclaimer
Section 310:531-5-5	Re-approval of vision screening providers
Section 310:531-5-6	Approval of vision screening trainers
Section 310:531-5-7	Re-approval of vision screening trainers
Section 310:531-5-8	Approval of vision screening trainers of trainers [Revoked]
Section 310:531-5-9	Re-approval of vision screening trainers of trainers [Revoked]

310:531-5-1. Purpose

This subchapter identifies those children to be screened and standards for vision screening tools, vision screening providers and vision screening trainers.

[Source: Added at 24 Ok Reg 867, eff 5-11-07; Amended at 26 Ok Reg 2036, eff 6-25-09; Amended at 27 Ok Reg 2526, eff 7-25-10]

310:531-5-2. Oklahoma Vision Screening Standards

- (a) Parents or guardians of any child subject to the Oklahoma School Code shall provide certification of vision screening for any child who is:
- (1) in kindergarten, and the vision screening shall be completed within the previous twelve (12) months or during the school year;
 - (2) in the first grade, and the vision screening shall be completed within the previous (12) months, with certification provided to school personnel within thirty (30) days of the beginning of the school year; and
 - (3) in the third grade, and the vision screening shall be completed within the previous twelve (12) months, with certification provided to school personnel within thirty (30) days of the beginning of the school year.
- (b) Vision screening must, at a minimum, utilize one of the following vision screening tests using standard screening procedures for relative visual acuity:
- (1) For school age children, the Sloan Letter Chart, or LEA Numbers Chart, at a distance of ten (10) feet or any new vision screening tool determined by the Department to be a comparably effective and efficient screening tool; or
 - (2) For children under 72 months of age, a photoscreener or any new vision screening tool determined by the Department to be a comparably effective and efficient screening tool.
- (c) The following distance visual acuity criteria shall be used as a basis for referring a child for further evaluation by an optometrist or ophthalmologist: Refer for a two-line difference in either eye, even in the passing range, or acuity 20/40 or worse in either eye.
- [Source: Added at 24 Ok Reg 867, eff 5-11-07; Amended at 26 Ok Reg 2036, eff 6-25-09; Amended at 27 Ok Reg 2526, eff 7-25-10; Amended at 31 Ok Reg 1591, eff 9-12-14; Amended at 37 Ok Reg 1411, eff 9-11-20]

310:531-5-3. Approval of vision screening providers

- (a) In order to become an approved vision screening provider, an individual must make application to the Department and include documentation of successful completion of training conducted by an approved trainer using an approved training curriculum that includes the following:
- (1) common eye problems;
 - (2) the screening process;
 - (3) required screening tools;
 - (4) screening special populations; and,
 - (5) basic anatomy and physiology of the eye.
- (b) The Department will review and approve vision screening providers.
- (c) The vision screening provider approval will be valid from the date of approval by the Department and ends three years from the most recently approved training.
- (d) All approved vision screening providers will be added to the statewide registry on the Internet website maintained by the Department.
- (e) Unless otherwise provided by law, no person shall engage in vision screening as provided in 70 O.S. § 1210.284 without first being listed on the vision screening registry maintained by the Department.
- [Source: Added at 24 Ok Reg 867, eff 5-11-07; Amended at 26 Ok Reg 2036, eff 6-25-09; Amended at 27 Ok Reg 2526, eff 7-25-10; Amended at 31 Ok Reg 1591, eff 9-12-14]

310:531-5-4. Disclaimer

Any disclosure or other notice provided by a vision screener or other person subject to this chapter describing a vision screening provided in accordance with this chapter must include a disclaimer that advises the parent or guardian that a vision screening is not equivalent to a comprehensive eye examination.

[Source: Added at 26 Ok Reg 2036, eff 6-25-09]

310:531-5-5. Re-approval of vision screening providers

A vision screening provider may renew his or her status by submitting documentation of completion of training, conducted by an approved trainer, using an approved curricula, prior to the end of his or her third year.

[Source: Added at 27 Ok Reg 2526, eff 7-25-10; Amended at 31 Ok Reg 1591, eff 9-12-14; Amended at 37 Ok Reg 1411, eff 9-11-20]

310:531-5-6. Approval of vision screening trainers

(a) In order to become an approved vision screening trainer an individual must be an approved vision screening provider and make application to the Department and include documentation of successful completion of training conducted by an approved trainer using an approved training curriculum that includes the following:

- (1) common eye problems;
- (2) the screening process;
- (3) required screening tools;
- (4) screening special populations;
- (5) basic anatomy and physiology of the eye; and,
- (6) techniques for effective training of vision screening providers.

(b) The applicant must provide to the Department documentation of successful completion of training, which is administered by a trainer approved by the Department using a training curriculum for trainers approved by the Department.

(c) The Department will review and approve vision screening trainers and the approved curricula used for training vision screening providers. The approval of a vision screening trainer ends three years from the most recent approval.

[Source: Added at 27 Ok Reg 2526, eff 7-25-10; Amended at 31 Ok Reg 1591, eff 9-12-14; Amended at 37 Ok Reg 1411, eff 9-11-20]

310:531-5-7. Re-approval of vision screening trainers

A vision screening trainer may renew his or her status by submitting documentation of completion of an approved training, conducted by an approved trainer, using an approved curricula, prior to the end of his or her third year.

[Source: Added at 27 Ok Reg 2526, eff 7-25-10; Amended at 31 Ok Reg 1591, eff 9-12-14; Amended at 37 Ok Reg 1411, eff 9-11-20]

310:531-5-8. Approval of vision screening trainers of trainers [REVOKED]

[Source: Added at 27 Ok Reg 2526, eff 7-25-10; Amended at 31 Ok Reg 1591, eff 9-12-14; Revoked at 37 Ok Reg 1411, eff 9-11-20]

310:531-5-9. Re-approval of vision screening trainers of trainers [REVOKED]

[Source: Added at 27 Ok Reg 2526, eff 7-25-10; Amended at 31 Ok Reg 1591, eff 9-12-14; Revoked at 37 Ok Reg 1411, eff 9-11-20]

Subchapter 7 - Registry Enforcement for Vision Screening

Section 310:531-7-1	Purpose
Section 310:531-7-2	Grounds for discipline
Section 310:531-7-3	Complaint investigation
Section 310:531-7-4	Summary removal
Section 310:531-7-5	Appearance before the Advisory Committee [Revoked]
Section 310:531-7-6	Right to a hearing
Section 310:531-7-7	Hearing procedure and decisions

[Source: Codified 6-25-09]

310:531-7-1. Purpose

The purpose of this subchapter is to establish procedures for the investigation of complaints against vision screening providers or trainers engaged in vision screening or training and where evidence from an investigation is sufficient, provide for hearings pursuant to the Oklahoma Administrative Procedures Act and OAC 310:2-1-1 et seq. Disciplinary sanctions may be imposed upon vision screening providers or trainers engaged in vision screening or training including monetary penalties, removal from the vision screening registry for five (5) years or less, or summary removal from the registry pending a hearing for removal.

[Source: Added at 26 Ok Reg 2036, eff 6-25-09; Amended at 27 Ok Reg 2526, eff 7-25-10]

310:531-7-2. Grounds for discipline

(a) An approval of a vision screening provider may be modified, suspended, or terminated for one or more of the following reasons:

- (1) Failure to conduct vision screenings according to the procedures and referral criteria approved by the Department, including but not limited to, deletion of one or more portions of the process outlined in the screening standards and training curriculum, or addition of one or

more procedures not contained in the screening standards and training curriculum, in sections 310:531-5-2 and 310:531-5-3, respectively;

- (2) Making referrals for comprehensive eye examinations that indicate a conflict of interest, financial or otherwise;
- (3) Failure to participate in a training curricula approved by the Department upon expiration of his or her three year approval;
- (4) Violations of a student's right of privacy in the student's education records pursuant to the Family Educational Rights and Privacy Act of 1974, 20 United States Code §§1232 et seq. and the rules promulgated thereunder; and
- (5) Any act that harms, or threatens harm to, a child.

(b) An approval of a vision screening trainer may be modified, suspended, or terminated for one or more of the following reasons:

- (1) Failure to conduct training workshops for vision screening providers utilizing curricula and/or procedures approved by the Department;
- (2) Failure to participate in a training curricula approved by the Department upon expiration of the three year approval;
- (3) Violations of a student's right of privacy in the student's education records pursuant to the Family Educational Rights and Privacy Act of 1974, 20 United States Code §1232 et seq. and the rules promulgated thereunder; and
- (4) Any act that harms, or threatens to harm, a child.

(c) An approval of a vision screening trainer of trainers may be modified, suspended, or terminated for one or more of the following reasons:

- (1) Failure to conduct training workshops for vision screening trainers utilizing curricula and/or procedures approved by the Department;
- (2) Failure to participate in a training curricula approved by the Department upon expiration of the three year approval;
- (3) Violations of a student's right of privacy in the student's education records pursuant to the Family Educational Rights and Privacy Act of 1974, 20 United States Code §§ 1232 et seq. and the rules promulgated thereunder; and
- (4) Any act that harms, or threatens harm to, a child.

[Source: Added at 26 Ok Reg 2036, eff 6-25-09; Amended at 27 Ok Reg 2526, eff 7-25-10; Amended at 31 Ok Reg 1591, eff 9-12-14]

310:531-7-3. Complaint investigation

(a) Reporting complaints. Any person may report to the Department any complaint or allegations of non-compliance with 70 O.S. § 1210.284 or this Chapter by a vision screening provider or trainer by submitting the following:

- (1) the name, address, and telephone number, if known, of the vision screening provider or trainer who is the subject of the complaint;
- (2) the location(s) where the alleged non-compliance occurred;
- (3) the date(s) of non-compliance;
- (4) the reporting party's name, address and telephone number; and,
- (5) the specific allegations against the vision screening provider or trainer, including but not limited to references to, or a copy of supporting documentation regarding, or any witnesses to, the alleged non-compliance.

(b) Process. Upon receipt of a complaint against a vision screening provider or trainer alleging non-compliance with 70 O.S. § 1210.284 or this Chapter, the Department shall conduct an investigation.

[Source: Added at 26 Ok Reg 2036, eff 6-25-09; Amended at 27 Ok Reg 2526, eff 7-25-10; Amended at 31 Ok Reg 1591, eff 9-12-14]

310:531-7-4. Summary removal

(a) If in the course of an investigation the Department determines that a vision screening provider has engaged in conduct of a nature that is, or is likely to be detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent such harm, the Commissioner may order summary removal of the name of the vision screening provider from the registry for vision screening maintained by the Department pending the Department filing a petition to remove the name of the vision screening provider from the registry following an individual proceeding pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §§ 309 et seq. A presumption of imminent harm to the public shall exist if the Department determines that probable cause exists that a vision screening provider has harmed, or threatened harm to, a child while providing vision screening services. The order of summary removal from the registry must include the specific grounds for the summary removal, a citation of the statute or law allegedly violated, and inform the vision screening provider of the process to request a hearing to contest the summary action.

(b) Any vision screening provider whose name has been summarily removed from the registry for vision screening may request a hearing to contest such summary action. The Department shall have the initial burden of persuasion to show that the provider has engaged in conduct that has caused, or is likely to cause, harm to a child. If the Department meets this burden of persuasion, the vision screening provider has the burden to prove that the conduct of the provider in providing vision screening services would not harm a child.

(c) If in the course of an investigation the Department determines that a vision screening trainer has engaged in conduct of a nature that is, or is likely to be detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent such harm, the Commissioner

may order summary removal of the name of the vision screening trainer from the list for vision screening trainers maintained by the Department pending the Department filing a petition to remove the name of the vision screening trainer from the list following an individual proceeding pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §§ 309 et seq. A presumption of imminent harm to the public shall exist if the Department determines that probable cause exists that a vision screening trainer has harmed, or threatened harm to, a child while providing vision screening services. The order of summary removal from the list must include the specific grounds for the summary removal, a citation of the statute or law allegedly violated, and inform the vision screening trainer of the process to request a hearing to contest the summary action.

(d) Any vision screening trainer whose name has been summarily removed from the list for vision screening trainers may request a hearing to contest such summary action. The Department shall have the initial burden of persuasion to show that the trainer has engaged in conduct that has caused, or is likely to cause, harm to a child. If the Department meets this burden of persuasion, the vision screening trainer has the burden to prove that the conduct of the trainer in providing vision screening services would not harm a child.

[Source: Added at 26 Ok Reg 2036, eff 6-25-09; Amended at 27 Ok Reg 2526, eff 7-25-10; Amended at 31 Ok Reg 1591, eff 9-12-14]

310:531-7-5. Appearance before the Advisory Committee [REVOKED]

[Source: Added at 26 Ok Reg 2036, eff 6-25-09; Amended at 27 Ok Reg 2526, eff 7-25-10; Revoked at 31 Ok Reg 1591, eff 9-12-14]

310:531-7-6. Right to a hearing

Except as provided for in section 310:531-7-4, the name of a vision screening provider or trainer may not be removed from the vision screening registry or vision screening trainer's list until the Department provides notice to the vision screening provider or trainer and an opportunity for a hearing to contest the Department's allegations. The notice to the vision screening provider or trainer must comply with 75 O.S. § 309. The vision screening provider or trainer must request a hearing within twenty (20) days of receiving the notice from the Department or the sanction may be imposed by default.

[Source: Added at 26 Ok Reg 2036, eff 6-25-09; Amended at 27 Ok Reg 2526, eff 7-25-10; Amended at 31 Ok Reg 1591, eff 9-12-14]

310:531-7-7. Hearing procedure and decisions

(a) Delegation. The Commissioner of Health may delegate the authority to issue a final decision in these matters as specified in 75 O.S. Section 311.1 and OAC 310:002. The Administrative Law Judge shall issue a decision within fifteen (15) working days following the close of the hearing record. The decision shall include Findings of Fact and Conclusions of Law separately stated.

(b) Procedure. The hearing shall be conducted in accord with the Oklahoma Administrative Procedures Act and Chapter 2 of this Title.

(c) Final order. The final order resulting from a hearing shall comply with the requirements of, and be served upon each party and attorney pursuant to, 75 O.S. § 312. The Department shall transmit a copy of the Final Order to the Vision Screening Registry when the Order is mailed.

(d) Appeal. An appeal of the Final Order shall be perfected pursuant to 75 O.S. Section 318 of the Administrative Procedures Act.

[Source: Added at 27 Ok Reg 2526, eff 7-25-10]

Subchapter 9 - Sports Eye Safety Resource [Revoked]

[Section 310:531-9-1](#)

[Purpose](#) [Revoked]

[Section 310:531-9-2](#)

[Eye safety resource](#) [Revoked]

310:531-9-1. Purpose [REVOKED]

[Source: Added at 27 Ok Reg 2526, eff 7-25-10; Revoked at 31 Ok Reg 1591, eff 9-12-14]

310:531-9-2. Eye safety resource [REVOKED]

[Source: Added at 27 Ok Reg 2526, eff 7-25-10; Revoked at 31 Ok Reg 1591, eff 9-12-14]