

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 577
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Vision Care for Kids
3 Act of 2009”.

4 SEC. 2. GRANTS REGARDING VISION CARE FOR CHILDREN.

5 Part Q of title III of the Public Health Service Act
6 (42 U.S.C. 280h et seq.) is amended by adding at the end
7 the following:

**8 “SEC. 399Z-1. GRANTS REGARDING VISION CARE FOR CHIL-
9 DREN.**

10 “(a) IN GENERAL.—The Secretary, acting through
11 the Director of the Centers for Disease Control and Pre-
12 vention, may award grants to States on the basis of an
13 established review process for the purpose of comple-
14 menting existing State efforts for—

15 “(1) providing comprehensive eye examinations
16 (as defined in subsection (i)) by a licensed optom-
17 etrist or ophthalmologist for eligible children (as de-
18 fined in subsection (b)) who have been previously

1 identified through a vision screening or eye examina-
2 tion by a licensed health care provider or vision
3 screener as needing such services, with priority given
4 to children who are under the age of 9 years;

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

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

13 “(b) ELIGIBLE CHILDREN.—

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

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

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

1 State child health plan under title XXI of the
2 Social 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 in-
6 dividual market (as such terms are defined in
7 such section) and is not a beneficiary or partici-
8 pant under a group health plan (as defined in
9 such 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
16 CHILDREN WITH HEALTH BENEFITS.—With respect
17 to an examination described in paragraph (1) of sub-
18 section (a) or a treatment or service described in
19 paragraph (2) of such subsection and with respect to
20 a State—

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

1 plan does not provide for coverage of such ex-
2 amination, treatment, or service, respectively;
3 and

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

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

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

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

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

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

24 “(2) a plan for the use of grant funds, includ-
25 ing how funds will be used to complement existing

1 State efforts (including possible partnerships with
2 non-profit 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
16 than 1 year after the date on which amounts under the
17 grant are first received by the State, and annually there-
18 after while receiving amounts under the grant, the State
19 will submit to the Secretary an evaluation of the oper-
20 ations and activities carried out under the grant, includ-
21 ing—

22 “(1) an assessment of the utilization of vision
23 services and the status of children receiving these
24 services as a result of the activities carried out
25 under the 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 re-
9 ceived under such grant as follows:

10 “(1) The State will expend at least 80 percent
11 of 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
15 described in paragraph (3) of such subsection.

16 “(3) The State will not expend more than 10
17 percent of such amounts for administrative pur-
18 poses.

19 “(g) MATCHING FUNDS.—

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

1 such costs in an amount that is not less than 25
2 percent of such 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 evalu-
6 ated, including plant, equipment, or services.
7 Amounts provided by the Federal Government, or
8 services assisted or subsidized to any significant ex-
9 tent by the Federal Government, may not be in-
10 cluded in determining the amount of such non-Fed-
11 eral contributions.

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

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

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

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

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

1 “(2) COMPREHENSIVE EYE EXAMINATION.—

2 The term ‘comprehensive eye examination’ includes
3 an assessment of a patient’s history, general medical
4 observation, external and ophthalmoscopic examina-
5 tion, visual acuity, ocular alignment and motility, re-
6 fraction, and as appropriate, binocular vision or
7 gross visual fields, performed by an optometrist or
8 an ophthalmologist.

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
15 2012 through 2014.”.

