S T A T E O F N E W Y O R K

6998

2013-2014 Regular Sessions

I N A S S E M B L Y

April 29, 2013

Introduced by M. of A. GABRYSZAK -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring that scoliosis screenings be performed by a chiropractor for students in the third, sixth and ninth grades

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 901 of the education law, as added by chapter 477 of the laws of 2004, is amended to read as follows:

2. School health services for the purposes of this article shall mean the several procedures, including, but not limited to, medical examinations, dental inspection and/or screening, scoliosis screening, vision screening and audiometer tests, designed to determine the health status of the child; to inform parents or other persons in parental relation to the child, pupils and teachers of the individual child's health condition subject to federal and state confidentiality laws; to guide parents, children and teachers in procedures for preventing and correcting defects and diseases; to instruct the school personnel in procedures to take in case of accident or illness; to survey and make necessary recommendations concerning the health and safety aspects of school facilities and the provision of health information. SCOLIOSIS SCREENING SHALL BE PERFORMED BY A CHIROPRACTOR DURING A CHILD'S THIRD, SIXTH AND NINTH YEAR OF SCHOOL.

S 2. Subdivisions 1 and 2 of section 905 of the education law, as amended by chapter 477 of the laws of 2004, are amended to read as follows:

1. The director of school health services of each school district in this state that is required to provide school health services, or the health department or agency otherwise responsible to provide such services, shall conduct screening examinations of vision[,] AND hearing[, and scoliosis] of all students at such times and as defined in the

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD10311-01-3

regulations of the commissioner, and at any time deemed necessary. A CHIROPRACTOR SHALL CONDUCT SCREENING EXAMINATIONS OF SCOLIOSIS OF ALL STUDENTS ON SUCH STUDENTS' THIRD, SIXTH AND NINTH YEAR OF SCHOOL.

2. Notwithstanding any other provisions of any general, special or local law, the [school authorities] CHIROPRACTOR charged with the duty of making such screening examinations of students for the presence of scoliosis pursuant to this section shall not suffer any liability to any person as a result of making such screening examination, which liability would not have existed by any provision of law, statutory or otherwise, in the absence of this section. The positive results of any such screening examinations of students for the presence of scoliosis shall be in writing and the parent of, or person in parental relation to, any child in whom the presence of scoliosis is found shall be advised of such results by the school authorities within ninety days after the finding of the presence of scoliosis is made.

S 3. This act shall take effect immediately.