

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:6-1.1 to 30:6-1.5 (Blindness and visual impairment--
visual impairment-- requirements for
reporting cases)

CHAPTER 147

Laws Of: 1986

Bill No: S1990

Sponsor(s): Cowan, McManimon and O'Connor

Date Introduced: April 7, 1986

Committee: **Assembly:** Health and Human Resources

Senate: Institutions, Health & Welfare

Amended during passage: No

Date of Passage: **Assembly:** September 29, 1986

Senate: June 2, 1986

Date of Approval: November 13, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Regulations, referred to in statements--not promulgated as of 3-1-87

For background see:

974.90 Delung, Jane S.

B648 Toward vision and independence: a plan for the 80's. Trenton, 1985.
1985

974.90 Delung, Jane S.

B648 Toward vision and independence: a plan for the 80's. technical addendum.
1985a Trenton, 1985.

SENATE, No. 1990
STATE OF NEW JERSEY

INTRODUCED APRIL 7, 1986

By Senators COWAN, McMANIMON and O'CONNOR

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the Commission for the Blind and Visually Impaired, amending R. S. 30:6-1 and R. S. 30:6-15, and supplementing chapter 6 of Title 30 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 30:6-1 is amended to read as follows:

2 30:6-1. The commission for the amelioration of the condition of
3 the blind and the visually impaired, hereinafter in this article
4 referred to as the "commission," shall hereafter be known as the
5 Commission for the Blind and Visually Impaired. It shall provide
6 all means which it deems feasible for ameliorating the condition
7 of the blind and visually impaired and shall prepare and main-
8 tain a register of all the blind within the State. **Every physician**
9 shall report to the commission every case of defective vision which
10 in his judgment may result in permanent blindness. Every municipi-
11 pal and county, health and welfare agency, and every institution and
12 noninstitutional agency within the State Department of Institu-
13 tions and Agencies shall promptly report to the commission every
14 individual coming to its attention who is known to be or is believed
15 likely to become permanently blind. **Wherever used herein, the**
16 word "blind" shall be deemed to mean and include the visually
17 impaired.

1 2. R. S. 30:6-15 is amended to read as follows:

2 30:6-15. The commission is empowered to make inquiries con-
3 cerning the causes of blindness and the proportion of cases within
4 the State which is preventable and *is entitled to receive the co-*

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.
Matter printed in italics thus is new matter.**

2
5 operation of other State and local government agencies in making
6 these inquiries [cooperate with the State Department of Health
7 and other interested boards, bodies and officials in enforcing proper
8 preventive measures]. The commission shall publish an annual
9 report, including, but not limited to, incidence and prevalence rates
10 of blind and visually impaired persons in all areas of the State.

1 3. (New section) As used in this act:

2 a. "Blind" means having a condition which qualifies an indi-
3 vidual as a blind person as defined in section 2 of P. L. 1964, c. 290
4 (C. 30:6-18).

5 b. "Commission" means the Commission for the Blind and
6 Visually Impaired of the Department of Human Services.

7 c. "Visually impaired" means having a condition in which a
8 person has a corrected visual acuity not exceeding 20/70, but not
9 less than 20/200, in the person's better eye, or in which the periph-
10 eral field of the person's vision has contracted so that the diameter
11 of the visual field subtends an angle no greater than 40 degrees
12 but no less than 20 degrees.

1 4. (New section) a. The Commissioner of the Department of
2 Human Services shall require the confidential reporting to the
3 commission by every ophthalmologist, optometrist, other eye or
4 health care provider, or any other agency, organization or facility
5 as the commissioner determines to be appropriate, of all cases in
6 which a person is known to be blind or visually impaired or may
7 become blind or visually impaired as the result of a degenerative
8 eye condition, including, but not limited to: corneal degeneration,
9 uveitis, macular degeneration, retinitis pigmentosa, any progres-
10 sive hereditary disease causing retinal degeneration, diabetic reti-
11 nopathy which requires treatment, ischaemic optic neuropathy, and
12 glaucoma with a restriction of 10 degrees or less in either eye.

13 b. The Commissioner of Human Services shall determine by
14 regulation the providers, facilities and agencies which shall be re-
15 quired to report to the commission pursuant to subsection a. of
16 this section immediately upon ascertaining that a person is blind
17 or visually impaired or has a degenerative eye condition. The
18 commissioner shall also determine the types of conditions that shall
19 be reported, the type of information that shall be contained in the
20 confidential report and the method for making the report.

1 5. (New section) The confidential reports made pursuant to this
2 act shall not be included under materials available to public in-
3 spection pursuant to P. L. 1963, c. 73 (C. 47:1A-1 et seq.). The
4 reports shall be used only by the commission and other agencies
5 that may be designated by the Commissioner of Human Services

6 and shall not otherwise be divulged or made public so as to dis-
 7 close the identity of any person to whom they relate, except inso-
 8 far as:

9 a. The individual identified or his legal guardian, if any, or if
 10 he is a minor, his parent or legal guardian, consents to the dis-
 11 closure; or

12 b. A court, upon making a determination that disclosure is neces-
 13 sary for the conduct of proceedings before it and that failure to
 14 make the disclosure would be contrary to the public interest, orders
 15 the disclosure.

1 6. (New section) An individual or organization providing in-
 2 formation to the commission in accordance with this amendatory
 3 and supplementary act shall not be deemed to be or held liable for
 4 divulging confidential information.

1 7. (New section) Nothing in this act shall be construed to compel
 2 any individual to receive services from the commission.

1 8. The Commissioner of Human Services, pursuant to the "Ad-
 2 ministrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et
 3 seq.), shall adopt rules and regulations necessary to effectuate the
 4 provisions of this amendatory and supplementary act.

1 9. This act shall take effect immediately.

STATEMENT

This bill is intended to facilitate the efforts of the Commission for the Blind and Visually Impaired to comply with its statutory mandate under R. S. 30:6-1 to maintain a register of all blind and visually impaired persons within the State. The bill removes the ambiguities that are present in the current statute by delineating responsibilities as to who is to report and specifically defining the registration criteria. In addition, the bill provides immunity from liability for the reporting agent and ensures the confidentiality of each registrant's record. This bill will enable the commission to maintain a more accurate count of blind and visually impaired persons in New Jersey, to further the study of causes of blindness and its prevention, and to offer its services to a greater number of blind and visually impaired persons.

HANDICAPPED—MENTAL AND PHYSICAL

Specifies requirements for reporting cases of blindness and visual impairment to the Commission for the Blind and Visually Impaired.

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ASSEMBLY HEALTH AND HUMAN RESOURCES
COMMITTEE

STATEMENT TO

SENATE, No. 1990

STATE OF NEW JERSEY

DATED: SEPTEMBER 18, 1986

The Assembly Health and Human Resources Committee reports favorably Senate Bill No. 1990.

This bill amends and supplements chapter 6 of Title 30 of the Revised Statutes concerning the Commission for the Blind and Visually Impaired (CBVI) in the Department of Human Services to clarify the role of the CBVI in annually reporting the incidence of blindness and visual impairments in the State, to ensure that all cases of blindness and visual impairment are reported to the CBVI immediately upon ascertaining that a person is blind or visually impaired or has a degenerative eye condition, to ensure that all information so reported to the CBVI is kept confidential, and to provide immunity from liability for the reporting agent.

The bill directs the Commissioner of Human Services to determine which health care providers, facilities and agencies are required to report to the CBVI, the types of eye conditions that shall be reported, the information that shall be contained in the report, and the method of reporting. The bill provides that all reported information shall be kept confidential and may be disclosed only with the consent of the person or his guardian who is the subject of the information or upon the order of a court.

This bill is identical to Assembly Bill No. 2474 (Smith/Azzolina), which the committee also reported on this date.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 1990

STATE OF NEW JERSEY

DATED: MAY 12, 1986

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill No. 1990.

This bill amends and supplements statutes concerning the Commission for the Blind and Visually Impaired (CBVI) to clarify the role of the CBVI in annually reporting the incidence of blindness and visual impairments in the State, to insure that all cases of blindness and visual impairment are reported to the CBVI immediately upon ascertaining that a person is blind or visually impaired or has a degenerative eye condition, and to ensure that all information so reported to the CBVI is kept confidential.

The bill directs the Commissioner of Human Services to determine which health care providers, facilities and agencies are required to report to the CBVI and the types of eye conditions that shall be reported. The bill provides that all reported information shall be kept confidential and may be disclosed only with the consent of the person or his guardian who is the subject of the information or upon the order of a court.