



Brenda Fitzgerald, MD, Commissioner | Nathan Deal, Governor

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5 November 2013

By email to Jennifer.Burgess@legis.ga.gov

Wayne R. Allen, Esq.
Office of Legislative Counsel
State Capitol Building, Room 316
Atlanta GA 30334-1140

RE Georgia Department of Public Health
Proposed Revision of Public Health Regulations 511-5-8
“Screening of Public School Children for Scoliosis”

Dear Mr. Allen:

I have enclosed two copies of our “Notice of Proposed Rulemaking” and the proposed rules as revised. I would greatly appreciate it if you would forward copies to the presiding officers of the House and Senate as provided by O.C.G.A. Section 50-13-4(e).

As always, please let me know if you have any questions or concerns.

With best regards, I am

Yours very truly,


Sidney R. Barrett, Jr.
General Counsel



We Protect Lives.



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NOTICE OF PROPOSED RULEMAKING
Public Health Regulations in Chapter 511-5-8
“Screening of Public School Children For Scoliosis”

Please take note that the Department of Public Health proposes to revise its regulations regarding the screening of public school children required by Code Section 20-2-772. The proposed revision is intended to update the existing regulation. This action is taken by the Department of Public Health pursuant to its authority under O.C.G.A. Sections 31-2A-4(12), 31-2A-6, and 20-2-772.

Interested persons may submit comments on these proposed revisions in writing addressed to: Sidney R. Barrett, Jr., General Counsel, Georgia Department of Public Health, 2 Peachtree Street, NW, 15th Floor, Atlanta, GA 30303.

Comment may also be presented in person at a public meeting scheduled for 10:00 a.m., 4 December 2013, in room 15-460 at 2 Peachtree Street, NW, 15th Floor, Atlanta GA.



Sidney R. Barrett, Jr.
General Counsel



We Protect Lives.

**RULES
OF
DEPARTMENT OF PUBLIC HEALTH**

**CHAPTER 511-5-8
SCREENING OF PUBLIC SCHOOL CHILDREN FOR SCOLIOSIS**

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511-5-8-.01 Definitions.

(a) "Adams Forward Bend Test" means the technique used to determine the presence or absence of an abnormality of the spine, by observing the person being screened from the front, rear, and side while the person is bending over.

(b) "At Risk Children" means children between the ages of 10 and 15.

(c) "Certified Scoliosis Screening Instructor" means a licensed healthcare practitioner who has been certified by the Georgia Department of Public Health after successfully completing the Department's approved Instructor Training Course in Scoliosis Screening. A Certified Scoliosis Screening Instructor may train and certify other persons to conduct screenings.

(b) "Department" means the Georgia Department of Public Health.

(c) "School Authority" means a county or municipal board of education.

(e) "Scoliosis" means a physical condition characterized by a curvature of the spine resembling an S-curve or C-curve.

(f) "Screeener" means a person who is certified by a Certified Scoliosis Screening Instructor to perform the actual scoliosis screening. A screener must either receive training to perform scoliosis screening from a Certified Scoliosis Screening Instructor, or document completion of a Scoliosis Screening Training within the past five years and demonstrate competence to a Certified Scoliosis Screening Instructor.

Authority: O.C.G.A. Secs. 31-2A-6, 20-2-772.

511-5-8-.02 Screening Required For At Risk Children.

(1) Every elementary and secondary public school shall screen all enrolled at risk children, except those children whose parents or legal guardians object in writing to such screening.

(2) Screenings shall be offered annually for a minimum of two grades containing at risk children, recognizing that with their earlier maturation females should be screened in early adolescence.

Authority: O.C.G.A. Secs. 31-2A-6, 20-2-772.

511-5-8-.03 Notice To Parents and Guardians and Objections.

(1) The school authority shall send written notice of an upcoming screening to each child's parents or legal guardians at least two weeks prior to the dates on which screening is to occur.

(2) If the child's parents or legal guardians object to the screening, then they must notify the school authority in writing within five days after receiving the screening notification.

(3) The school authority shall maintain a list of the children's names for whom parents or guardians have filed a written objection, and shall file the objection in the school health records.

Authority: O.C.G.A. Secs. 31-2A-6, 20-2-772.

511-5-8-.04 Screening Process.

(1) Screeners shall use the Adams Forward Bend Test to screen children for scoliosis.

(2) School authorities may, at their option, use school nurses, school staff, persons under contract, or volunteers to perform scoliosis screenings. All persons conducting screenings must have a scoliosis screening certification from a Certified Scoliosis Screening Instructor.

(3) Children identified as having a possible spinal deformity by volunteers shall be rescreened by a nurse or other licensed health professional.

(4) Parents or guardians shall be notified by the school authority if their child is identified during the screening process as having a possible spinal deformity. The school authority shall also recommend to the parents or guardians that the child receive further professional evaluation.

Authority: O.C.G.A. Secs. 31-2A-6, 20-2-772.

511-5-8-.05 Records and Reports.

The school authority shall report the following information annually to the Georgia Department of Education:

- (1) Total number of enrolled at risk children;
- (2) Total number of students screened; and
- (3) Total number of students recommended for further evaluation.

Authority: O.C.G.A. Secs. 31-2A-6, 20-2-772.