

JAN 24 2019

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# A BILL FOR AN ACT

RELATING TO NEWBORN HEARING SCREENING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 321-361, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[+]§321-361[+] Definitions. As used in this part, unless  
4 the context clearly indicates otherwise:

5 "Audiologist" means a professional licensed in the State to  
6 diagnose and treat hearing and balance functions of the human  
7 audio-vestibular system.

8 "Deaf or hard of hearing" means any type and degree of  
9 permanent hearing loss as assessed by a licensed audiologist or  
10 physician specialized in hearing function.

11 "Department" means the department of health.

12 "Diagnostic audiologic evaluation" means an evaluation of  
13 the sensitivity of a person's sense of hearing as assessed by a  
14 licensed audiologist or physician specialized in hearing  
15 function.

16 ~~["Hearing impaired infant" means an infant who has an~~  
17 ~~impairment that is a dysfunction of the auditory system of any~~

# S.B. NO. 1243

1 ~~type or degree sufficient to interfere with the acquisition and~~  
2 ~~development of speech and language skills.]~~

3 "Hearing screening" means objective procedures to detect  
4 possible hearing loss and determine the need for diagnostic  
5 audiologic and medical evaluations.

6 "Infant" means a child from birth to thirty-six months of  
7 age.

8 ~~["Management" means the habilitation of the hearing~~  
9 ~~impaired infant.]~~

10 ~~["Screening" means a test or battery of tests administered~~  
11 ~~to determine the need for a professional examination."]~~

12 SECTION 2. Section 321-362, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "§321-362 Duties. It shall be the duty and responsibility  
15 of the department to:

16 (1) Establish, implement, and evaluate a statewide  
17 ~~[program for early identification of, and intervention~~  
18 ~~for, hearing impairment in infants;]~~ system for  
19 hearing screening and diagnostic audiologic evaluation  
20 to identify infants who are deaf or hard of hearing,  
21 and for the referral to and enrollment in early

# S.B. NO. 1243

- 1           intervention services for infants who have been  
2           identified as deaf or hard of hearing;
- 3           (2) Establish standards and guidelines for ~~[the]~~ hearing  
4           screening, identification, diagnosis, intervention,  
5           and monitoring of infants ~~[with hearing impairment and~~  
6           ~~infants at risk for delayed onset of hearing~~  
7           ~~impairment;]~~ who are deaf or hard of hearing or have  
8           been identified with a risk indicator for developing  
9           delayed-onset or progressive hearing loss or both;
- 10          (3) Develop a plan in conjunction with the department of  
11          ~~[education's statewide center for students with~~  
12          ~~hearing or visual impairments]~~ education to involve  
13          the parents or guardians with the medical and  
14          educational follow-up ~~[and management]~~ of infants who  
15          have been identified as ~~[hearing impaired or at risk~~  
16          ~~of delayed onset of hearing impairments;]~~ deaf or hard  
17          of hearing or who have been identified with a risk  
18          indicator for developing delayed-onset or progressive  
19          hearing loss or both; and
- 20          (4) Collect and analyze program data in relation to the  
21          duties and responsibilities of the department."

# S.B. NO. 1243

1 SECTION 3. Section 321-362.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 " ~~[+] §321-362.5 [-] Screening for hearing impairment.~~ ]

4 Hearing screening, diagnostic audiologic evaluation, and

5 intervention. (a) All newborn infants shall ~~[be screened for~~

6 ~~hearing impairment for early identification of children with~~

7 ~~hearing loss and for the promotion of their development of~~

8 ~~language and communication.] receive a hearing screening to~~

9 allow early identification and intervention to maximize social,

10 emotional, and language outcomes for children who are deaf or

11 hard of hearing.

12 (b) The person in charge of each birthing facility caring

13 for newborn infants and the responsible physician attending the

14 birth of a newborn or the person assisting the birth of a child

15 not attended by a physician shall ensure that every infant in

16 the person's care ~~[be screened for hearing impairment.] receives~~

17 a hearing screening. This section shall not apply if the

18 parent, guardian, or other person having custody or control of

19 the child objects to the hearing screening in writing on the

20 grounds that the hearing screening conflicts with their

21 religious beliefs. The written objection shall be made a part

22 of the infant's medical record.

# S.B. NO. 1243

1 (c) Birthing facilities [~~screening newborn infants for~~  
2 ~~hearing impairment~~] shall report newborn hearing screening  
3 results to the department [~~for the purpose of the department~~  
4 ~~ensuring a statewide system for the screening, diagnostic~~  
5 ~~evaluation, and intervention for all newborn infants with~~  
6 ~~hearing impairment.~~].

7 (d) Audiologists and physicians specialized in hearing  
8 function performing diagnostic audiologic evaluations of infants  
9 shall report diagnostic audiologic evaluation results as  
10 determined by the department."

11 SECTION 4. Section 321-363, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "§321-363 Rules. The department shall adopt rules,  
14 pursuant to chapter 91, necessary for the purposes of this part,  
15 including but not limited to administration and quality of  
16 newborn hearing screening; retention of records and related  
17 data; reporting of [~~positive~~] hearing screening results;  
18 reporting of diagnostic audiologic evaluation results; [and]  
19 intervention for infants [~~with hearing impairment~~] who have been  
20 identified as deaf or hard of hearing; informing parents about  
21 the purpose of hearing screening, diagnostic audiologic

S.B. NO. 1243

1 evaluation, and intervention; and maintaining the  
2 confidentiality of affected families."

3 SECTION 5. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: 

8

BY REQUEST

# S.B. NO. 1243

**Report Title:**

Newborn Hearing Screening

**Description:**

Amends the Newborn Hearing Screening statute to mandate reporting of diagnostic audiologic evaluation results to improve hearing follow-up of infants and to update definitions and terminology.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO NEWBORN HEARING SCREENING.

PURPOSE: The purpose of this Act is to mandate the reporting of diagnostic audiologic evaluation results to the Department to improve hearing follow-up and to update definitions and terminology.

MEANS: Amend sections 321-361, 321-362, 321-362.5, and 321-363, Hawaii Revised Statutes.

JUSTIFICATION: Newborn hearing screening is a mandated public health screening program. The goal of newborn hearing screening is to screen newborns by one month of age, identify infants who are deaf or hard of hearing by three months of age, and have that infant enrolled in intervention services by six months of age so that the child can reach developmental milestones and be language-ready to enter school.

The current statute does not allow the state newborn hearing screening program to routinely access diagnostic audiologic evaluation results. The program needs to know the results of diagnostic audiologic evaluations in order to ensure that babies who are deaf or hard of hearing are identified and receive appropriate services, including enrollment in early intervention services. Currently, only about half of infants identified as deaf or hard of hearing are enrolled in an early intervention program.

Early identification, diagnosis, and intervention of hearing loss in newborns and infants are especially important for our



state since the available data shows that Hawaii is ranked as having the highest incidence of congenital hearing loss in the country.

Impact on the public: Increased surveillance for infants who do not pass newborn hearing screening will ensure that they receive diagnostic audiologic evaluation. For infants who are confirmed as deaf or hard of hearing, the amendments will support efforts to enroll the infants in early intervention services. These efforts lead to deaf and hard of hearing children being language-ready to enter school.

Impact on the department and other agencies: The Newborn Hearing Screening Program will need to continue working with the Early Intervention Section to document enrollment in early intervention services.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HTH CC.

OTHER AFFECTED  
AGENCIES: Department of Education.

EFFECTIVE DATE: Upon approval.