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# A BILL FOR AN ACT

RELATING TO HEALTH.

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

1           SECTION 1. The legislature finds that newborn hearing  
2 screening is mandated by part XXIX of chapter 321, Hawaii  
3 Revised Statutes, as a public health screening program that  
4 helps deaf or hard of hearing children reach their developmental  
5 milestones and be language-ready for school.

6           The legislature further finds that the national standards  
7 for early hearing detection and intervention are hearing  
8 screening by the age of one month, diagnostic audiologic  
9 evaluation by age three months, and enrollment in early  
10 intervention services by age six months. Studies show that  
11 children who are deaf or hard of hearing who receive early  
12 hearing screening and appropriate follow-up treatment and  
13 support have better vocabulary outcomes, reach their language  
14 and communication milestones, and are language-ready for school.

15           The legislature also finds that the department of health's  
16 statewide newborn hearing screening program does not receive  
17 diagnostic audiologic evaluation results for all newborns who do



1 not pass newborn hearing screening. Consistent reporting of  
 2 diagnostic audiologic evaluation results will allow the program  
 3 to ensure that all infants who do not pass hearing screening  
 4 receive a diagnostic audiologic evaluation and appropriate  
 5 follow-up treatment and support. Timely diagnostic audiologic  
 6 evaluation results will also facilitate referrals into early  
 7 intervention services for infants who are deaf or hard of  
 8 hearing.

9 The purpose of this Act is to ensure that timely diagnostic  
 10 audiologic evaluation reports related to follow-up treatment and  
 11 support of newborns who did not pass newborn hearing screening  
 12 are provided to the department of health.

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

15 "[+]§321-361[+] Definitions. As used in this part, unless  
 16 the context clearly indicates otherwise:

17 "Audiologist" means an individual licensed as an  
 18 audiologist pursuant to chapter 468E.

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



1 "Department" means the department of health.

2 "Diagnostic audiologic evaluation" means an evaluation of  
3 the sensitivity of a person's sense of hearing as assessed by a  
4 licensed audiologist or physician specialized in hearing  
5 function.

6 [~~"Hearing impaired infant" means an infant who has an~~  
7 ~~impairment that is a dysfunction of the auditory system of any~~  
8 ~~type or degree sufficient to interfere with the acquisition and~~  
9 ~~development of speech and language skills.]~~

10 "Hearing screening" means objective procedures to detect  
11 possible hearing loss and determine the need for diagnostic  
12 audiologic and medical evaluations.

13 "Infant" means a child from birth to thirty-six months of  
14 age.

15 [~~"Management" means the habilitation of the hearing~~  
16 ~~impaired infant.~~

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

19 SECTION 3. Section 321-362, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§321-362 Duties. It shall be the duty and responsibility  
2 of the department to:

3           (1) Establish, implement, and evaluate a statewide  
4           ~~[program for early identification of, and intervention~~  
5           ~~for, hearing impairment in infants,]~~ system for  
6           hearing screening and diagnostic audiologic evaluation  
7           to identify infants who are deaf or hard of hearing,  
8           and for referral and enrollment of these infants into  
9           early intervention services;

10          (2) Establish standards and guidelines for ~~[the]~~ hearing  
11          screening, identification, diagnosis, intervention,  
12          and monitoring of infants ~~[with hearing impairment and~~  
13          ~~infants at risk for delayed onset of hearing~~  
14          ~~impairment,]~~ who are deaf or hard of hearing or have  
15          been identified with a risk indicator for developing  
16          delayed-onset or progressive hearing loss, or both;

17          (3) Develop a plan in conjunction with the department of  
18          ~~[education's statewide center for students with~~  
19          ~~hearing or visual impairments]~~ education to involve  
20          ~~[the]~~ parents ~~[or]~~ and guardians ~~[with the]~~ in any  
21          medical and educational follow-up ~~[and management of]~~



1           for infants who [~~have been identified as hearing-~~  
2           ~~impaired or at risk of delayed onset of hearing~~  
3           ~~impairments,~~] are deaf or hard of hearing, or who have  
4           been identified with a risk indicator for developing  
5           delayed-onset or progressive hearing loss, or both;  
6           and

7           (4) Collect and analyze program data in relation to the  
8           duties and responsibilities of the department."

9           SECTION 4. Section 321-362.5, Hawaii Revised Statutes, is  
10          amended to read as follows:

11          "~~[§] §321-362.5 [§] Screening for hearing impairment.]~~  
12          Hearing screening, diagnostic audiologic evaluation, and  
13          intervention. (a) All newborn infants shall [~~be screened for~~  
14          ~~hearing impairment for early identification of children with~~  
15          ~~hearing loss and for the promotion of their development of~~  
16          ~~language and communication.] receive a hearing screening to~~

17          allow early identification and intervention to maximize social,  
18          emotional, and language outcomes for children who are deaf or  
19          hard of hearing.  
20          (b) The person in charge of each birthing facility caring  
21          for newborn infants and the responsible physician attending the



1 birth of a newborn or the person assisting the birth of a child  
2 not attended by a physician shall ensure that every infant in  
3 the person's care [~~be screened for hearing impairment.~~] receives  
4 a hearing screening. This section shall not apply if the  
5 parent, guardian, or other person having custody or control of  
6 the child objects to the hearing screening in writing on the  
7 grounds that the hearing screening conflicts with their  
8 religious beliefs. The written objection shall be made a part  
9 of the infant's medical record.

10 (c) Birthing facilities [~~screening newborn infants for~~  
11 ~~hearing impairment~~] shall report newborn hearing screening  
12 results to the department [~~, for the purpose of the department~~  
13 ~~ensuring a statewide system for the screening, diagnostic~~  
14 ~~evaluation, and intervention for all newborn infants with~~  
15 ~~hearing impairment~~].

16 (d) Audiologists and physicians specialized in hearing  
17 function who perform diagnostic audiologic evaluations of  
18 infants shall report diagnostic audiologic evaluation results of  
19 those infants who do not pass the hearing screening test to the  
20 department."



1 SECTION 5. Section 321-363, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§321-363 Rules. The department shall adopt rules,  
4 pursuant to chapter 91, necessary for the purposes of this part,  
5 including but not limited to administration and quality of  
6 newborn hearing screening; retention of records and related  
7 data; reporting of [~~positive~~] hearing screening results;  
8 reporting of diagnostic audiologic evaluation [and] results;  
9 intervention for infants [~~with hearing impairment,~~] who have  
10 been identified as deaf or hard of hearing; informing parents  
11 about the purpose of hearing screening[+], diagnostic audiologic  
12 evaluation, and intervention; and maintaining the  
13 confidentiality of affected families."

14 SECTION 6. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 7. This Act shall take effect on July 1, 2050.



**Report Title:**

Newborns; Hearing Screening; Diagnostic Audiologic Evaluations;  
Early Intervention

**Description:**

Amends the statewide newborn hearing screening program to require reporting of diagnostic audiologic evaluation results of infants who do not pass the hearing screening test to DOH to improve hearing follow-up treatment and support of infants. Updates definitions and terminology. Effective 7/1/2050. (HD2)

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