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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 or are diagnosed as deaf or hard of hearing up to the age of  
13 three years are provided to the department of health.

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

16 1. By adding four new definitions to be appropriately  
17 inserted and to read:

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



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

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

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

11       2. By deleting the definition of "hearing-impaired  
12 infant".

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

17       3. By deleting the definition of "management".

18       [~~"Management" means the habilitation of the hearing~~  
19 ~~impaired infant."~~]

20       4. By deleting the definition of "screening".



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

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

5           "**§321-362 Duties.** It shall be the duty and responsibility  
6 of the department to:

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

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



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

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

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



1 allow early identification and intervention to maximize social,  
2 emotional, and language outcomes for children who are deaf or  
3 hard of hearing.

4 (b) The person in charge of each birthing facility caring  
5 for newborn infants and the responsible physician attending the  
6 birth of a newborn or the person assisting the birth of a child  
7 not attended by a physician shall ensure that every infant in  
8 the person's care [~~be screened for hearing impairment.~~] receives  
9 a hearing screening. This section shall not apply if the  
10 parent, guardian, or other person having custody or control of  
11 the child objects to the hearing screening in writing on the  
12 grounds that the hearing screening conflicts with their  
13 religious beliefs. The written objection shall be made a part  
14 of the infant's medical record.

15 (c) Birthing facilities [~~screening newborn infants for~~  
16 ~~hearing impairment~~] shall report newborn hearing screening  
17 results to the department [~~, for the purpose of the department~~  
18 ~~ensuring a statewide system for the screening, diagnostic~~  
19 ~~evaluation, and intervention for all newborn infants with~~  
20 ~~hearing impairment~~].



1        (d) Audiologists and physicians specialized in hearing  
2 function who perform diagnostic audiologic evaluations of  
3 infants shall report diagnostic audiologic evaluation results of  
4 those infants who do not pass the hearing screening test or are  
5 diagnosed as deaf or hard of hearing up to the age of three  
6 years to the department."

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

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

20        SECTION 6. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 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 or are diagnosed as deaf or hard of hearing up to the age of three years to DOH to improve hearing follow-up treatment and support of infants. Updates definitions and terminology. Effective 7/1/2050. (SD1)

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