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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~~



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



- 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."



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 for early identification and intervention to maximize  
10 social, emotional, and language outcomes for children who are  
11 deaf or 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



1 religious beliefs. The written objection shall be made a part  
2 of the infant's medical record.

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

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

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

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



1 been identified as deaf or hard of hearing; informing parents  
2 about the purpose of hearing screening[+], diagnostic audiologic  
3 evaluation, and intervention; and maintaining the  
4 confidentiality of affected families."

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 Statutory material to be repealed is bracketed  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

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



**Report Title:**

Newborn Hearing Screening; Department of Health; Diagnostic Audiologic Evaluation

**Description:**

Amends the State newborn hearing screening program to mandate reporting of diagnostic audiologic evaluation results, improve hearing follow-up of infants, and update definitions and terminology. (SD1)

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