

JAN 23 2020

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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. The legislature finds that newborn hearing  
2 screening is mandated by sections 321-361 to 321-363, 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 age one month, diagnostic audiologic evaluation by  
9 age three months, and enrollment in early intervention services  
10 by age six months. Studies show that children who are deaf or  
11 hard of hearing who receive early hearing screening and  
12 appropriate follow-up have better vocabulary outcomes, reach  
13 their language and communication milestones, and are language  
14 ready for school.

15           The legislature further finds that the department of health  
16 newborn hearing screening program does not receive diagnostic  
17 audiologic evaluation results for all newborns who do not pass  
18 newborn hearing screening. Consistent reporting of diagnostic

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

7 The purposes of this Act are to ensure that timely  
8 diagnostic audiologic evaluation reports related to follow-up of  
9 newborns who did not pass newborn hearing screening, or when an  
10 infant's hearing status changes, are provided to the department  
11 of health; and to update definitions and terminology.

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

14 "[+]§321-361[+]" **Definitions.** As used in this part, unless  
15 the context clearly indicates otherwise:

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

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

21 "Department" means the department of health.

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

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

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

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

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

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

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

20        "**§321-362 Duties.** It shall be the duty and responsibility  
21 of the department to:

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

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1           been identified with a risk indicator for developing  
2           delayed-onset or progressive hearing loss, or both;  
3           and

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

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

8           "~~{ } §321-362.5 [ ] Screening for hearing impairment.~~"

9           Hearing screening, diagnostic audiologic evaluation, and

10 intervention. (a) All newborn infants shall ~~[be screened for~~  
11 ~~hearing impairment for early identification of children with~~  
12 ~~hearing loss and for the promotion of their development of~~  
13 ~~language and communication.]~~ receive a hearing screening to  
14 allow early identification and intervention to maximize social,  
15 emotional, and language outcomes for children who are deaf or  
16 hard of hearing.

17           (b) The person in charge of each birthing facility caring  
18 for newborn infants and the responsible physician attending the  
19 birth of a newborn or the person assisting the birth of a child  
20 not attended by a physician shall ensure that every infant in  
21 the person's care ~~[be screened for hearing impairment.]~~ receives  
22 a hearing screening. This section shall not apply if the

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1 parent, guardian, or other person having custody or control of  
2 the child objects to the hearing screening in writing on the  
3 grounds that the hearing screening conflicts with their  
4 religious beliefs. The written objection shall be made a part  
5 of the infant's medical record.

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

12 (d) Audiologists, and physicians specialized in hearing  
13 function, performing diagnostic audiologic evaluations of  
14 infants shall report diagnostic audiologic evaluation results to  
15 the department."

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

18 "**§321-363 Rules.** The department shall adopt rules,  
19 pursuant to chapter 91, necessary for the purposes of this part,  
20 including but not limited to administration and quality of  
21 newborn hearing screening; retention of records and related  
22 data; reporting of [~~positive~~] hearing screening results;

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1 reporting of diagnostic audiologic evaluation [~~and~~] results;  
2 intervention for infants [~~with hearing impairment;~~] who have  
3 been identified as deaf or hard of hearing; informing parents  
4 about the purpose of hearing screening[+], diagnostic audiologic  
5 evaluation, and intervention; and maintaining the  
6 confidentiality of affected families."

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

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

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INTRODUCED BY:

*Mark H. ...*

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BY REQUEST

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**Report Title:**

Newborn; Hearing Screening; Diagnostic Tests

**Description:**

Amends the newborn hearing screening statute to mandate reporting of diagnostic audiologic evaluation results to improve hearing follow-up of infants. Updates 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

**SB. NO. 2900**

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 of Health 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-560.

OTHER AFFECTED  
AGENCIES: Department of Education.

EFFECTIVE DATE: Upon approval.