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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 part XXIX, chapter 321, Hawaii Revised  
3 Statutes, and helps deaf and hard-of-hearing children reach  
4 their developmental milestones and become language-ready for  
5 school.

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

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



1 consistent reporting of diagnostic audiologic evaluation results  
2 would allow the program to ensure that any infant who does not  
3 pass a hearing screening would receive a diagnostic audiologic  
4 evaluation, appropriate follow-up, and support. Timely  
5 diagnostic audiologic evaluation results would also facilitate  
6 referrals of deaf and hard-of-hearing infants to early  
7 intervention services.

8 The purpose of this Act is to ensure that the department of  
9 health receives timely diagnostic audiologic evaluation results  
10 on newborns who did not pass newborn hearing screening and  
11 infants whose hearing status changes.

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

14 1. By adding four new definitions to be appropriately  
15 inserted and to read:

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 an audiologist or  
20 physician who is a specialist in hearing function.



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

5       "Hearing screening" means objective procedures to detect  
6       possible hearing loss and determine the need for diagnostic  
7       audiologic evaluation and medical evaluation."

8       2. By deleting the definitions of "hearing impaired  
9       infant", "management", and "screening":

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

14       ~~"Management" means the habilitation of the hearing impaired~~  
15       ~~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:



- (1) Establish, implement, and evaluate a statewide  
~~[program for early identification of, and intervention~~  
~~for, hearing impairment in infants,]~~ system for  
hearing screening and diagnostic audiologic evaluation  
to identify infants who are deaf or hard-of-hearing,  
and for referral and enrollment of these infants in  
early intervention services;
- (2) Establish standards and guidelines for ~~[the]~~ hearing  
screening, identification, diagnosis, intervention,  
and monitoring of infants ~~[with hearing impairment and~~  
~~infants at risk for delayed-onset of hearing~~  
~~impairment,]~~ who are deaf or hard-of-hearing or who  
have been identified with a risk indicator for  
developing delayed-onset or progressive hearing loss,  
or both;
- (3) Develop a plan in conjunction with the department of  
~~[education's statewide center for students with~~  
~~hearing or visual impairments]~~ education to involve  
~~[the]~~ parents or guardians ~~[with the]~~ in any medical  
and educational follow-up ~~[and management of]~~ for  
infants who ~~[have been identified as hearing impaired~~



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

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

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

10 "[~~§~~321-362.5~~]—Screening for hearing impairment.]~~  
11 Hearing screening, diagnostic audiologic evaluation, and  
12 intervention. (a) All newborn infants shall ~~[be screened for~~  
13 ~~hearing impairment for early identification of children with~~  
14 ~~hearing loss and for the promotion of their development of~~  
15 ~~language and communication.]~~ receive a hearing screening to  
16 allow early identification and intervention to maximize social,  
17 emotional, and language outcomes for children who are deaf or  
18 hard-of-hearing.

19 (b) The person in charge of each birthing facility  
20 ~~[earring]~~ for newborn infants and the responsible physician  
21 attending the birth of a newborn or the person assisting the



1 birth of a child not attended by a physician shall ensure that  
2 every infant in the person's care [~~be screened for hearing~~  
3 ~~impairment.~~] receives a hearing screening. This section shall  
4 not apply if the parent, guardian, or other person having  
5 custody or control of the child objects to the hearing screening  
6 in writing on the grounds that the hearing screening conflicts  
7 with [~~their~~] the parent's, guardian's, or other person's  
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) Each audiologist and physician who is a specialist in  
17 hearing function and who performs diagnostic audiologic  
18 evaluations of infants shall report to the department the  
19 diagnostic audiologic evaluation results of any infant up to the  
20 age of three years who does not pass the hearing screening test  
21 or is diagnosed as deaf or hard-of-hearing."



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

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

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

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



**Report Title:**

Newborns; Hearing Screening; Diagnostic Audiologic Evaluations;  
DOH

**Description:**

Requires diagnostic audiologic evaluation results of newborn hearing screening evaluations, and infants whose hearing status changes, to be provided to the Department of Health. Effective 7/1/2050. (SD2)

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