

ACT 42

S.B. NO. 1138

A Bill for an Act Relating to the Statewide Newborn Hearing Screening Program.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 321, Hawaii Revised Statutes, is amended by adding to part XXIX a new section to be appropriately designated and to read as follows:

“**§321- Screening for hearing impairment.** (a) All newborn infants shall be screened for hearing impairment for early identification of children with hearing loss and for the promotion of their development of language and communication.

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

(c) Birthing facilities screening newborn infants for hearing impairment shall report screening results to the department, for the purpose of the department ensuring a statewide system for the screening, diagnostic evaluation, and intervention for all newborn infants with hearing impairment.”

SECTION 2. Sections 321-362 and 321-363, Hawaii Revised Statutes, are amended to read as follows:

“~~[[§321-362]]~~ **Duties.** It shall be the duty and responsibility of the department to:

- (1) ~~[Develop a methodology to establish]~~ Establish, implement, and evaluate a statewide program for early identification of, and intervention for, hearing impairment in infants;
- (2) ~~[Develop]~~ Establish standards and guidelines for the screening, identification, diagnosis, intervention, and monitoring of infants with hearing impairment and infants at risk for delayed onset of hearing impairment;
- (3) Develop a plan in conjunction with the department of education’s statewide center for students with hearing or visual impairments to involve the parents or guardians with the medical and educational follow-up and management of infants who have been identified as hearing-impaired or at risk of delayed onset of hearing impairments; and
- (4) ~~[Develop a plan for the collection of data and evaluation of the program]~~ Collect and analyze program data in relation to the duties and responsibilities of the department.

~~[[§321-363]]~~ **Rules.** The department shall adopt rules, pursuant to chapter 91, necessary for the purposes of this part~~[-]~~, including but not limited to administration and quality of newborn hearing screening; retention of records and related data; reporting of positive screening results; diagnostic evaluation and intervention for infants with hearing impairment; informing parents about the purpose of screening; and maintaining the confidentiality of affected families.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2001.

(Approved April 26, 2001.)

Note

1. Edited pursuant to HRS §23G-16.5.