

ACT 36

H.B. NO. 986

A Bill for an Act Relating to Newborn Hearing Screening.

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

SECTION 1. The legislature finds that newborn hearing screening is mandated by part XXIX, chapter 321, Hawaii Revised Statutes, as a public health screening program that helps deaf or hard of hearing children reach their developmental milestones and be language-ready for school.

Furthermore, the national standards for early hearing detection and intervention are hearing screening by age one month, diagnostic audiologic evaluation by age three months, and enrollment in early intervention services by age six months. Studies show that children who are deaf or hard of hearing who receive early hearing screening and appropriate follow-up have better vocabulary outcomes, reach their language and communication milestones, and are language-ready for school.

Currently, the department of health newborn hearing screening program does not receive diagnostic audiologic evaluation results for all newborns who do not pass newborn hearing screening. The legislature further finds that consistent reporting of diagnostic audiologic evaluation results will allow the program to ensure that all infants who do not pass their hearing screenings receive a diagnostic audiologic evaluation and appropriate follow-up and support. Timely diagnostic audiologic evaluation results will also facilitate referrals into early intervention services for infants who are deaf or hard of hearing.

The purpose of this Act is to ensure that timely diagnostic audiologic evaluation results on newborns who did not pass newborn hearing screening, or infants whose hearing status changes, are provided to the department of health.

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

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

““Audiologist” means an individual professional licensed as an audiologist pursuant to chapter 468E.

“Deaf or hard of hearing” means any type and degree of permanent hearing loss as assessed by an audiologist or physician specialized in hearing function.

“Diagnostic audiologic evaluation” means an evaluation of the sensitivity of a person’s sense of hearing as assessed by an audiologist or physician specialized in hearing function.

“Hearing screening” means objective procedures to detect possible hearing loss and determine the need for diagnostic audiologic evaluation and medical evaluation.”

2. By repealing the definition of “hearing impaired infant”:

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

3. By repealing the definitions of “management” and “screening”:

[““Management” means the habilitation of the hearing-impaired infant.

“Screening” means a test or battery of tests administered to determine the need for a professional examination.”]

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

“§321-362 Duties. It shall be the duty and responsibility 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 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 or at risk of delayed onset of hearing impairments;]~~ 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; and
- (4) Collect and analyze program data in relation to the duties and responsibilities of the department.”

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

“[§321-362.5]—Screening for hearing impairment.] Hearing screening, diagnostic audiologic evaluation, and intervention. (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;]~~ receive a hearing screening to allow early identification and intervention to maximize social, emotional, and language outcomes for children who are deaf or hard of hearing.

(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;]~~ receives a hearing screening. This section shall not apply if the parent, guardian, or other person having custody or control of the child objects to the hearing screening in

writing on the grounds that the hearing 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 newborn hearing 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~~].

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

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 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 for those infants who fail newborn hearing screenings or have been identified as deaf or hard of hearing; intervention for infants [~~with hearing impairment;~~] who have been identified as deaf or hard of hearing; informing parents about the purpose of hearing screening[;], diagnostic audiologic evaluation, and intervention; and maintaining 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 upon its approval.

(Approved June 15, 2022.)