

By Senator Dawson

30-110A-00

See HB 399

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A bill to be entitled  
An act relating to newborn hearing screening;  
providing legislative intent; providing  
definitions; providing requirements for  
screening newborns for hearing impairment;  
providing for education of parents of newborns;  
providing for certain insurance and managed  
care coverage; providing for referral for  
ongoing services; providing an effective date.

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

Section 1. Newborn hearing screening.--

(1) LEGISLATIVE INTENT.--The intent of this section is to provide a statewide comprehensive and coordinated interdisciplinary program of early hearing impairment screening, identification, and followup care for newborns. The goal is to screen all newborns for hearing impairment in order to alleviate the adverse effects of hearing loss on speech and language development, academic performance, and cognitive development.

(2) DEFINITIONS.--

(a) "Agency" means the Agency for Health Care Administration.

(b) "Department" means the Department of Health.

(c) "Hearing impairment" means a hearing loss of 30 dB HL or greater in the frequency region important for speech recognition and comprehension in one or both ears, approximately 500 through 4,000 hertz.

(d) "Infant" means an age range from 30 days through 12 months.

1           (e) "Licensed health care provider" means a physician,  
2 nurse, or audiologist licensed in the state rendering services  
3 within the scope of his or her license.

4           (f) "Management" means the habilitation of the  
5 hearing-impaired child.

6           (g) "Newborn" means an age range from birth through 29  
7 days.

8           (h) "Screening" means a test or battery of tests  
9 administered to determine the need for an in-depth hearing  
10 diagnostic evaluation.

11           (3) REQUIREMENTS FOR SCREENING OF NEWBORNS; INSURANCE  
12 COVERAGE; REFERRAL FOR ONGOING SERVICES.--

13           (a) Each licensed hospital or other state-licensed  
14 birthing facility that provides maternity and newborn care  
15 services shall provide that all newborns are, prior to  
16 discharge, screened for the detection of hearing loss, to  
17 prevent the consequences of unidentified disorders.

18           (b) Each licensed birth center that provides maternity  
19 and newborn care services shall provide that all newborns are,  
20 prior to discharge, referred to a licensed audiologist, or to  
21 a hospital or other newborn hearing screening provider, for  
22 screening for the detection of hearing loss, to prevent the  
23 consequences of unidentified disorders. The referral for  
24 appointment shall be made within 30 days after discharge.  
25 Written documentation of the referral must be placed in the  
26 newborn's medical chart.

27           (c) If the parents or legal guardians of the newborn  
28 object to the screening, the screening must not be completed.  
29 In such case, the physician, midwife, or other person who is  
30 attending the newborn shall maintain a record that the  
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1 screening has not been performed and attach a written  
2 objection that must be signed by the parent or guardian.

3 (d) For home births, the health care provider in  
4 attendance is responsible for coordination and referral to a  
5 licensed audiologist, hospital, or other newborn hearing  
6 screening provider. The referral for appointment shall be made  
7 within 30 days after the birth. In cases in which the home  
8 birth is not attended by a primary health care provider, a  
9 referral to a licensed audiologist, hospital, or other newborn  
10 hearing screening provider must be made by the health care  
11 provider within the first 3 months after the child's birth.

12 (e) All newborn and infant hearing screenings shall be  
13 conducted by a licensed audiologist, licensed physician, or  
14 appropriately supervised individual who has completed  
15 documented training specifically for newborn hearing  
16 screening. Every licensed hospital shall obtain the services  
17 of a licensed audiologist or other newborn hearing screening  
18 provider, through employment or contract or written memorandum  
19 of understanding, for the purposes of appropriate staff  
20 training, screening program supervision, monitoring the  
21 scoring and interpretation of test results, rendering of  
22 appropriate recommendations, and coordination of appropriate  
23 followup services. Appropriate documentation of the screening  
24 completion, results, interpretation, and recommendations must  
25 be placed in the medical record within 24 hours after  
26 completion of the screening procedure.

27 (f) The screening of a newborn's hearing should be  
28 completed before the newborn is discharged from the hospital.  
29 If the screening is not completed before discharge due to  
30 scheduling or temporary staffing limitations, the screening  
31 must be completed within 30 days after discharge. Screenings

1 completed after discharge or performed because of initial  
2 screening failure must be completed by an audiologist licensed  
3 in the state, or by a hospital or other newborn hearing  
4 screening provider.

5 (g) Each hospital shall formally designate a lead  
6 physician responsible for programmatic oversight for newborn  
7 hearing screening. Each birth center shall designate a  
8 licensed health care provider to provide such programmatic  
9 oversight and to ensure that the appropriate referrals are  
10 being completed.

11 (h) Each screening of a newborn's hearing must include  
12 auditory brainstem responses, or evoked otoacoustic emissions,  
13 or appropriate technology as approved by the United States  
14 Food and Drug Administration.

15 (i) By October 1, 2000, newborn hearing screening must  
16 be conducted on all newborns in hospitals in this state on  
17 birth admission. When a newborn is delivered in a facility  
18 other than a hospital, the parents must be instructed on the  
19 importance of having the hearing screening performed and must  
20 be given information to assist them in having the screening  
21 performed within 3 months after the child's birth.

22 (j) On or after October 1, 2000, every hospital in the  
23 state shall educate the parents of newborns, in lay terms, on  
24 the importance of screening the hearing of newborns and of  
25 receiving followup care. The educational information shall  
26 include a description of the normal auditory, speech, and  
27 language development processes in children.

28 (k) The initial procedure for screening the hearing of  
29 the newborn or infant and any medically necessary followup  
30 reevaluations leading to diagnosis shall be a covered benefit,  
31 reimbursable under Medicaid, under all health insurance

1 policies and health maintenance organizations as defined in  
2 chapters 627 and 641, Florida Statutes, except for  
3 supplemental policies that only provide coverage for specific  
4 diseases, hospital indemnity, or Medicare supplement, or to  
5 the supplemental policies.

6 (l) Any child who is diagnosed as having a permanent  
7 hearing impairment shall be referred to the primary care  
8 physician for medical management, treatment, and followup  
9 services. Furthermore, in accordance with Pub. L. No. 105-17,  
10 The Infants and Toddlers Program, Individuals with  
11 Disabilities Education Act, any child from birth to 36 months  
12 of age who is diagnosed as having a hearing impairment that  
13 requires ongoing special hearing services must be referred to  
14 the Children's Medical Services Early Intervention Program  
15 serving the geographical area in which the child resides.

16 (m) Any person who is not covered through insurance  
17 and cannot afford the costs for testing shall be given a list  
18 of newborn hearing screening providers who provide the  
19 necessary testing free of charge.

20 Section 2. This act shall take effect July 1, 2000.

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22 HOUSE SUMMARY

23 Provides requirements and procedures for the screening of  
24 newborns for hearing impairment. Provides legislative  
25 intent and definitions. Provides responsibilities of  
26 hospitals, birth centers, and health care providers  
27 attending home births. Provides for the conduct of  
28 screenings by certain providers. Specifies timeframes for  
29 newborn hearing screenings. Requires certain education of  
30 parents of newborns on the importance of screening and  
31 followup care. Provides for certain insurance and managed  
care coverage, including Medicaid coverage. Provides for  
referral for ongoing care under certain conditions.