

1                   A bill to be entitled  
2           An act relating to newborn hearing screening;  
3           providing legislative intent; providing  
4           definitions; providing requirements for  
5           screening newborns for hearing impairment;  
6           providing for certain insurance and managed  
7           care coverage; providing for referral for  
8           ongoing services; providing a contingent  
9           effective date.

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

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13           Section 1. Newborn hearing screening.--

14           (1) LEGISLATIVE INTENT.--The intent of this section is  
15 to provide a statewide comprehensive and coordinated  
16 interdisciplinary program of early hearing impairment  
17 screening, identification, and followup care for newborns. The  
18 goal is to screen all newborns for hearing impairment in order  
19 to alleviate the adverse effects of hearing loss on speech and  
20 language development, academic performance, and cognitive  
21 development. It is further the intent of the Legislature that  
22 the provisions of this act only be implemented to the extent  
23 that funds are specifically included in the General  
24 Appropriations Act for carrying out the purposes of this  
25 section.

26           (2) DEFINITIONS.--

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

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

30           (c) "Hearing impairment" means a hearing loss of 30 dB  
31 HL or greater in the frequency region important for speech

1 recognition and comprehension in one or both ears,  
2 approximately 500 through 4,000 hertz.

3 (d) "Infant" means an age range from 30 days through  
4 12 months.

5 (e) "Licensed health care provider" means a physician  
6 licensed pursuant to chapter 458 or chapter 459, a nurse  
7 licensed pursuant to chapter 464, or an audiologist licensed  
8 pursuant to chapter 468, rendering services within the scope  
9 of his or her license.

10 (f) "Management" means the habilitation of the  
11 hearing-impaired child.

12 (g) "Newborn" means an age range from birth through 29  
13 days.

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

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

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

24 (b) Each licensed birth center that provides maternity  
25 and newborn care services shall provide that all newborns are,  
26 prior to discharge, referred to a licensed audiologist, a  
27 physician licensed under chapter 458 or chapter 459, or a  
28 hospital or other newborn hearing screening provider, for  
29 screening for the detection of hearing loss, to prevent the  
30 consequences of unidentified disorders. The referral for  
31 appointment shall be made within 30 days after discharge.

1 Written documentation of the referral must be placed in the  
2 newborn's medical chart.

3 (c) If the parent or legal guardian of the newborn  
4 objects to the screening, the screening must not be completed.  
5 In such case, the physician, midwife, or other person who is  
6 attending the newborn shall maintain a record that the  
7 screening has not been performed and attach a written  
8 objection that must be signed by the parent or guardian.

9 (d) For home births, the health care provider in  
10 attendance is responsible for coordination and referral to a  
11 licensed audiologist, hospital, or other newborn hearing  
12 screening provider. The referral for appointment shall be made  
13 within 30 days after the birth. In cases in which the home  
14 birth is not attended by a primary health care provider, a  
15 referral to a licensed audiologist, physician licensed  
16 pursuant to chapter 458 or chapter 459, hospital, or other  
17 newborn hearing screening provider must be made by the health  
18 care provider within the first 3 months after the child's  
19 birth.

20 (e) All newborn and infant hearing screenings shall be  
21 conducted by a licensed audiologist, physician licensed under  
22 chapter 458 or chapter 459, or appropriately supervised  
23 individual who has completed documented training specifically  
24 for newborn hearing screening. Every licensed hospital that  
25 provides maternity or newborn care services shall obtain the  
26 services of a licensed audiologist, physician licensed  
27 pursuant to chapter 458 or chapter 459, or other newborn  
28 hearing screening provider, through employment or contract or  
29 written memorandum of understanding, for the purposes of  
30 appropriate staff training, screening program supervision,  
31 monitoring the scoring and interpretation of test results,

1 rendering of appropriate recommendations, and coordination of  
2 appropriate followup services. Appropriate documentation of  
3 the screening completion, results, interpretation, and  
4 recommendations must be placed in the medical record within 24  
5 hours after completion of the screening procedure.

6 (f) The screening of a newborn's hearing should be  
7 completed before the newborn is discharged from the hospital.  
8 If the screening is not completed before discharge due to  
9 scheduling or temporary staffing limitations, the screening  
10 must be completed within 30 days after discharge. Screenings  
11 completed after discharge or performed because of initial  
12 screening failure must be completed by an audiologist licensed  
13 in the state, a physician licensed under chapter 458 or  
14 chapter 459, or a hospital or other newborn hearing screening  
15 provider.

16 (g) Each hospital shall formally designate a lead  
17 physician responsible for programmatic oversight for newborn  
18 hearing screening. Each birth center shall designate a  
19 licensed health care provider to provide such programmatic  
20 oversight and to ensure that the appropriate referrals are  
21 being completed.

22 (h) When ordered by the treating physician, screening  
23 of a newborn's hearing must include auditory brainstem  
24 responses, or evoked otacoustic emissions, or appropriate  
25 technology as approved by the United States Food and Drug  
26 Administration.

27 (i) By October 1, 2000, newborn hearing screening must  
28 be conducted on all newborns in hospitals in this state on  
29 birth admission. When a newborn is delivered in a facility  
30 other than a hospital, the parents must be instructed on the  
31 importance of having the hearing screening performed and must

1 be given information to assist them in having the screening  
2 performed within 3 months after the child's birth.

3 (j) The initial procedure for screening the hearing of  
4 the newborn or infant and any medically necessary followup  
5 reevaluations leading to diagnosis shall be a covered benefit,  
6 reimbursable under Medicaid as an expense compensated  
7 supplemental to the per diem rate for Medicaid patients  
8 enrolled in MediPass or Medicaid patients covered by a fee for  
9 service program. For Medicaid patients enrolled in HMOs,  
10 providers shall be reimbursed directly by the Medicaid Program  
11 Office at the Medicaid rate. This service may not be  
12 considered a covered service for the purposes of establishing  
13 the payment rate for Medicaid HMOs. All health insurance  
14 policies and health maintenance organizations as provided  
15 under ss. 627.6416, 627.6579, and 641.31(30), Florida  
16 Statutes, except for supplemental policies that only provide  
17 coverage for specific diseases, hospital indemnity, or  
18 Medicare supplement, or to the supplemental polices, shall  
19 compensate providers for the covered benefit at the contracted  
20 rate. Non-hospital-based providers shall be eligible to bill  
21 Medicaid for the professional and technical component of each  
22 procedure code.

23 (k) Any child who is diagnosed as having a permanent  
24 hearing impairment shall be referred to the primary care  
25 physician for medical management, treatment, and followup  
26 services. Furthermore, in accordance with Pub. L. No. 105-17,  
27 The Infants and Toddlers Program, Individuals with  
28 Disabilities Education Act, any child from birth to 36 months  
29 of age who is diagnosed as having a hearing impairment that  
30 requires ongoing special hearing services must be referred to  
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1 the Children's Medical Services Early Intervention Program  
2 serving the geographical area in which the child resides.

3 (1) Any person who is not covered through insurance  
4 and cannot afford the costs for testing shall be given a list  
5 of newborn hearing screening providers who provide the  
6 necessary testing free of charge.

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

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