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1
2 An act relating to newborn screenings; amending s.
3 383.145, F.S.; revising and defining terms; requiring
4 hospitals and other state-licensed birthing facilities
5 to test for congenital cytomegalovirus in newborns
6 within a specified timeframe under certain
7 circumstances; revising the timeframe in which health
8 care providers attending home births must make certain
9 referrals; providing that a newborn's primary health
10 care provider is responsible for coordinating such
11 referrals under certain circumstances; requiring a
12 newborn's primary health care provider to refer the
13 newborn for testing for congenital cytomegalovirus
14 under certain circumstances; revising the timeframe
15 within which hospitals must complete newborn hearing
16 screenings that were not completed before discharge
17 due to scheduling or temporary staffing limitations;
18 requiring that certain test results be reported to the
19 Department of Health within a specified timeframe;
20 deleting a requirement that the parents of certain
21 newborns be instructed on and provided specified
22 information; deleting obsolete language; deleting a
23 requirement that certain uninsured persons be provided
24 a list of specified providers; providing an effective
25 date.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. Section 383.145, Florida Statutes, is amended to

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30 read:

31 383.145 Newborn and infant hearing screening.—

32 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
33 ~~this section is~~ to provide a statewide comprehensive and
34 coordinated interdisciplinary program of early hearing loss
35 ~~impairment~~ screening, identification, and follow-up ~~followup~~
36 care for newborns. The goal is to screen all newborns for
37 hearing loss ~~impairment~~ in order to alleviate the adverse
38 effects of hearing loss on speech and language development,
39 academic performance, and cognitive development. It is further
40 the intent of the Legislature that ~~the provisions of this~~
41 section ~~act~~ only be implemented to the extent that funds are
42 specifically included in the General Appropriations Act for
43 carrying out the purposes of this section.

44 (2) DEFINITIONS.—As used in this section, the term:

45 (a) "Audiologist" means a person licensed under part I of
46 chapter 468 to practice audiology ~~"Agency" means the Agency for~~
47 ~~Health Care Administration.~~

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

49 (c) "Hearing loss ~~impairment~~" means a hearing loss of 30 dB
50 HL or greater in the frequency region important for speech
51 recognition and comprehension in one or both ears, approximately
52 500 through 4,000 hertz.

53 (d) "Hospital" means a facility as defined in s.
54 395.002(13) and licensed under chapter 395 and part II of
55 chapter 408.

56 (e) "Infant" means an age range from 30 days through 12
57 months.

58 (f) ~~(e)~~ "Licensed health care provider" means a physician or

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59 physician assistant licensed under ~~pursuant to~~ chapter 458; an
60 osteopathic physician or physician assistant licensed under ~~or~~
61 chapter 459; an advanced practice registered nurse, a registered
62 nurse, or a licensed practical nurse licensed under part I of
63 ~~pursuant to~~ chapter 464; a midwife licensed under chapter 467;
64 or a speech-language pathologist or an audiologist licensed
65 under part I of ~~pursuant to~~ chapter 468, rendering services
66 ~~within the scope of his or her license.~~

67 (g) ~~(f)~~ "Management" means the habilitation of the ~~hearing-~~
68 ~~impaired~~ child with hearing loss.

69 (h) ~~(g)~~ "Newborn" means an age range from birth through 29
70 days.

71 (i) "Physician" means a person licensed under chapter 458
72 to practice medicine or chapter 459 to practice osteopathic
73 medicine.

74 (j) ~~(h)~~ "Screening" means a test or battery of tests
75 administered to determine the need for an in-depth hearing
76 diagnostic evaluation.

77 (3) REQUIREMENTS FOR SCREENING OF NEWBORNS; INSURANCE
78 COVERAGE; REFERRAL FOR ONGOING SERVICES.—

79 (a) Each ~~licensed~~ hospital or other state-licensed birthing
80 facility that provides maternity and newborn care services shall
81 ensure ~~provide~~ that all newborns are, before ~~prior to~~ discharge,
82 screened for the detection of hearing loss, ~~to prevent the~~
83 consequences of unidentified disorders. If a newborn fails the
84 screening for the detection of hearing loss, the hospital or
85 other state-licensed birthing facility must administer a test
86 approved by the United States Food and Drug Administration or
87 another diagnostically equivalent test on the newborn to screen

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88 for congenital cytomegalovirus before the newborn becomes 21
89 days of age or before discharge, whichever occurs earlier.

90 (b) Each licensed birth center that provides maternity and
91 newborn care services shall ensure ~~provide~~ that all newborns
92 are, before ~~prior to~~ discharge, referred to an ~~a licensed~~
93 ~~audiologist, a physician licensed under chapter 458 or chapter~~
94 ~~459, or a hospital,~~ or another ~~other~~ newborn hearing screening
95 provider, for screening for the detection of hearing loss, to
96 prevent the consequences of unidentified disorders. The referral
97 for appointment must ~~shall~~ be made within 7 ~~30~~ days after
98 discharge. Written documentation of the referral must be placed
99 in the newborn's medical chart.

100 (c) If the parent or legal guardian of the newborn objects
101 to the screening, the screening must not be completed. In such
102 case, the physician, midwife, or other person ~~who is~~ attending
103 the newborn shall maintain a record that the screening has not
104 been performed and attach a written objection that must be
105 signed by the parent or guardian.

106 (d) For home births, the health care provider in attendance
107 is responsible for coordination and referral to an ~~a licensed~~
108 ~~audiologist, a~~ hospital, or another ~~other~~ newborn hearing
109 screening provider. The health care provider in attendance must
110 make the referral for appointment ~~shall be made~~ within 7 ~~30~~ days
111 after the birth. In cases in which the home birth is not
112 attended by a ~~primary~~ health care provider, the newborn's
113 primary health care provider is responsible for coordinating the
114 ~~a referral to a licensed audiologist, physician licensed~~
115 ~~pursuant to chapter 458 or chapter 459, hospital, or other~~
116 ~~newborn hearing screening provider must be made by the health~~

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117 ~~care provider within the first 3 months after the child's birth.~~

118 (e) For home births and births in a licensed birth center,
119 if a newborn is referred to a newborn hearing screening provider
120 and the newborn fails the screening for the detection of hearing
121 loss, the newborn's primary health care provider must refer the
122 newborn for administration of a test approved by the United
123 States Food and Drug Administration or another diagnostically
124 equivalent test on the newborn to screen for congenital
125 cytomegalovirus.

126 (f) All newborn and infant hearing screenings must ~~shall~~ be
127 conducted by an ~~a licensed~~ audiologist, a physician ~~licensed~~
128 ~~under chapter 458 or chapter 459,~~ or an appropriately supervised
129 individual who has completed documented training specifically
130 for newborn hearing screening. Every ~~licensed~~ hospital that
131 provides maternity or newborn care services shall obtain the
132 services of an ~~a licensed~~ audiologist, a physician ~~licensed~~
133 ~~pursuant to chapter 458 or chapter 459,~~ or another ~~other~~ newborn
134 hearing screening provider, through employment or contract or
135 written memorandum of understanding, for the purposes of
136 appropriate staff training, screening program supervision,
137 monitoring the scoring and interpretation of test results,
138 rendering of appropriate recommendations, and coordination of
139 appropriate follow-up ~~followup~~ services. Appropriate
140 documentation of the screening completion, results,
141 interpretation, and recommendations must be placed in the
142 medical record within 24 hours after completion of the screening
143 procedure.

144 (g) ~~(f)~~ The screening of a newborn's hearing must ~~should~~ be
145 completed before the newborn is discharged from the hospital.

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146 However, if the screening is not completed before discharge due
147 to scheduling or temporary staffing limitations, the screening
148 must be completed within 21 ~~30~~ days after the birth ~~discharge~~.
149 Screenings completed after discharge or performed because of
150 initial screening failure must be completed by an audiologist
151 ~~licensed in the state, a physician licensed under chapter 458 or~~
152 ~~chapter 459, or a hospital, or another other~~ newborn hearing
153 screening provider.

154 (h) ~~(g)~~ Each hospital shall formally designate a lead
155 physician responsible for programmatic oversight for newborn
156 hearing screening. Each birth center shall designate a licensed
157 health care provider to provide such programmatic oversight and
158 to ensure that the appropriate referrals are being completed.

159 (i) ~~(h)~~ When ordered by the treating physician, screening of
160 a newborn's hearing must include auditory brainstem responses,
161 or evoked otoacoustic ~~otacoustic~~ emissions, or appropriate
162 technology as approved by the United States Food and Drug
163 Administration.

164 (j) ~~(i)~~ The results of any test conducted pursuant to this
165 section, including, but not limited to, newborn hearing loss
166 screening, congenital cytomegalovirus testing, and any related
167 diagnostic testing, must be reported to the department within 7
168 days after receipt of such results ~~Newborn hearing screening~~
169 ~~must be conducted on all newborns in hospitals in this state on~~
170 ~~birth admission. When a newborn is delivered in a facility other~~
171 ~~than a hospital, the parents must be instructed on the~~
172 ~~importance of having the hearing screening performed and must be~~
173 ~~given information to assist them in having the screening~~
174 ~~performed within 3 months after the child's birth.~~

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175 ~~(k)(j)~~ The initial procedure for screening the hearing of
176 the newborn or infant and any medically necessary follow-up
177 ~~followup~~ reevaluations leading to diagnosis shall be a covered
178 benefit for, ~~reimbursable under Medicaid as an expense~~
179 ~~compensated supplemental to the per diem rate for Medicaid~~
180 ~~patients enrolled in MediPass or Medicaid patients covered by a~~
181 fee-for-service ~~fee for service~~ program. For Medicaid patients
182 enrolled in HMOs, providers shall be reimbursed directly by the
183 Medicaid Program Office at the Medicaid rate. This service may
184 not be considered a covered service for the purposes of
185 establishing the payment rate for Medicaid HMOs. All health
186 insurance policies and health maintenance organizations as
187 provided under ss. 627.6416, 627.6579, and 641.31(30), except
188 for supplemental policies that only provide coverage for
189 specific diseases, hospital indemnity, or Medicare supplement,
190 or to the supplemental polices, shall compensate providers for
191 the covered benefit at the contracted rate. Nonhospital-based
192 providers are ~~shall be~~ eligible to bill Medicaid for the
193 professional and technical component of each procedure code.

194 ~~(l)(k)~~ A child who is diagnosed as having a permanent
195 hearing loss must ~~impairment shall~~ be referred to the primary
196 care physician for medical management, treatment, and follow-up
197 ~~followup~~ services. Furthermore, in accordance with Part C of the
198 Individuals with Disabilities Education Act, Pub. L. No. 108-
199 446, Infants and Toddlers with Disabilities, any child from
200 birth to 36 months of age who is diagnosed as having a hearing
201 loss ~~impairment~~ that requires ongoing special hearing services
202 must be referred to the Children's Medical Services Early
203 Intervention Program serving the geographical area in which the

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204 child resides.

205 ~~(1) Any person who is not covered through insurance and~~
206 ~~cannot afford the costs for testing shall be given a list of~~
207 ~~newborn hearing screening providers who provide the necessary~~
208 ~~testing free of charge.~~

209 Section 2. This act shall take effect January 1, 2023.