

By Senator Polsky

30-00106-23

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1                   A bill to be entitled  
2       An act relating to newborn hearing screenings;  
3       amending s. 383.145, F.S.; defining the term  
4       "congenital cytomegalovirus test"; revising newborn  
5       hearing screening requirements to require that all  
6       newborns, rather than only those who fail the initial  
7       newborn hearing screening, be tested for congenital  
8       cytomegalovirus; providing an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12       Section 1. Present paragraphs (b) through (j) of subsection  
13       (2) of section 383.145, Florida Statutes, are redesignated as  
14       paragraphs (c) through (k), respectively, a new paragraph (b) is  
15       added to that subsection, and paragraphs (a) through (e) and  
16       present paragraph (g) of subsection (3) of that section are  
17       amended, to read:

18       383.145 Newborn and infant hearing screening.—

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

20       (b) "Congenital cytomegalovirus test" means a test approved  
21 by the United States Food and Drug Administration or another  
22 diagnostically equivalent test to screen newborns for congenital  
23 cytomegalovirus.

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

26       (a) Each hospital or other state-licensed birthing facility  
27       that provides maternity and newborn care services shall ensure  
28       that all newborns are, before discharge, screened for the  
29       detection of hearing loss to prevent the consequences of

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30 unidentified disorders. ~~If a newborn fails the screening for the~~  
31 ~~detection of hearing loss,~~ The hospital or other state-licensed  
32 birthing facility must also administer a congenital  
33 cytomegalovirus test ~~approved by the United States Food and Drug~~  
34 ~~Administration or another diagnostically equivalent test~~ on the  
35 newborn ~~to screen for congenital cytomegalovirus~~ before the  
36 newborn becomes 21 days of age or before discharge, whichever  
37 occurs earlier.

38 (b) Each licensed birth center that provides maternity and  
39 newborn care services shall ensure that all newborns are, before  
40 discharge, referred to an audiologist, a hospital, or another  
41 newborn hearing screening provider for screening for the  
42 detection of hearing loss to prevent the consequences of  
43 unidentified disorders and referred for the administration of a  
44 congenital cytomegalovirus test. The referrals ~~referral~~ for  
45 appointment must be made within 7 days after discharge. Written  
46 documentation of the referrals ~~referral~~ must be placed in the  
47 newborn's medical chart.

48 (c) If the parent or legal guardian of the newborn objects  
49 to the screening or testing, the screening or testing, as  
50 applicable, must not be completed. In such case, the physician,  
51 midwife, or other person attending the newborn shall maintain a  
52 record that the screening or testing has not been performed and  
53 attach a written objection that must be signed by the parent or  
54 guardian.

55 (d) For home births, the health care provider in attendance  
56 is responsible for coordinating the referral of the newborn  
57 ~~coordination and referral~~ to an audiologist, a hospital, or  
58 another newborn hearing screening provider for screening for the

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59 detection of hearing loss and for coordinating the referral for  
60 administration of a congenital cytomegalovirus test. The health  
61 care provider in attendance must make the referrals ~~referral~~ for  
62 appointment within 7 days after the birth. In cases in which the  
63 home birth is not attended by a health care provider, the  
64 newborn's primary health care provider is responsible for  
65 coordinating the referrals ~~referral~~.

66 ~~(e) For home births and births in a licensed birth center,~~  
67 ~~if a newborn is referred to a newborn hearing screening provider~~  
68 ~~and the newborn fails the screening for the detection of hearing~~  
69 ~~loss, the newborn's primary health care provider must refer the~~  
70 ~~newborn for administration of a test approved by the United~~  
71 ~~States Food and Drug Administration or another diagnostically~~  
72 ~~equivalent test on the newborn to screen for congenital~~  
73 ~~cytomegalovirus.~~

74 (f) ~~(g)~~ The screening of a newborn's hearing and  
75 administration of a congenital cytomegalovirus test on the  
76 newborn must be completed before the newborn is discharged from  
77 the hospital. However, if the screening and testing is not  
78 completed before discharge due to scheduling or temporary  
79 staffing limitations, the screening and testing must be  
80 completed within 21 days after the birth. Screenings completed  
81 after discharge or performed because of initial screening  
82 failure must be completed by an audiologist, a physician, a  
83 hospital, or another newborn hearing screening provider.

84 Section 2. This act shall take effect July 1, 2023.