A BILL FOR AN ACT

RELATING TO HEALTH.

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 of 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.

The legislature further finds that the national standards for early hearing detection and intervention are hearing screening by the age of 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 treatment and support have better vocabulary outcomes, reach their language and communication milestones, and are language-ready for school.

The legislature also finds that the department of health's statewide newborn hearing screening program does not receive diagnostic audiologic evaluation results for all newborns who do

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not pass newborn hearing screening. Consistent reporting of diagnostic audiologic evaluation results will allow the program to ensure that all infants who do not pass hearing screening receive a diagnostic audiologic evaluation and appropriate follow-up treatment 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 reports related to follow-up treatment and support of newborns who did not pass newborn hearing screening are provided to the department of health.

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

"[§]§321-361[] Definitions. As used in this part, unless the context clearly indicates otherwise:

'Audiologist' means an individual 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 a licensed audiologist or physician specialized in hearing function.
"Department" means the department of health.

"Diagnostic audiologic evaluation" means an evaluation of the sensitivity of a person's sense of hearing as assessed by a licensed audiologist or physician specialized in hearing function.

"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.

"Hearing screening" means objective procedures to detect possible hearing loss and determine the need for diagnostic audiologic and medical evaluations.

"Infant" means a child from birth to thirty-six months of age.

"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 into 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] and 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 diagnostic audiologic evaluation results of
those infants who do not pass the hearing screening test to the
department."
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; 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 struck. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2050.
Report Title:
Newborns; Hearing Screening; Diagnostic Audiologic Evaluations; Early Intervention

Description:
Amends the statewide newborn hearing screening program to require reporting of diagnostic audiologic evaluation results of infants who do not pass the hearing screening test to DOH to improve hearing follow-up treatment and support of infants. Updates definitions and terminology. Effective 7/1/2050. (HD2)

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