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# A BILL FOR AN ACT

RELATING TO NEWBORN HEARING SCREENING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that newborn hearing  
2 screening is mandated by part XXIX, chapter 321, Hawaii Revised  
3 Statutes, as a public health screening program that helps deaf  
4 or hard of hearing children reach their developmental milestones  
5 and be language-ready for school.

6           Furthermore, the national standards for early hearing  
7 detection and intervention are hearing screening by age one  
8 month, diagnostic audiologic evaluation by age three months, and  
9 enrollment in early intervention services by age six months.  
10 Studies show that children who are deaf or hard of hearing who  
11 receive early hearing screening and appropriate follow-up have  
12 better vocabulary outcomes, reach their language and  
13 communication milestones, and are language-ready for school.

14           Currently, the department of health newborn hearing  
15 screening program does not receive diagnostic audiologic  
16 evaluation results for all newborns who do not pass newborn  
17 hearing screening. The legislature further finds that



1 consistent reporting of diagnostic audiologic evaluation results  
2 will allow the program to ensure that all infants who do not  
3 pass their hearing screenings receive a diagnostic audiologic  
4 evaluation and appropriate follow-up and support. Timely  
5 diagnostic audiologic evaluation results will also facilitate  
6 referrals into early intervention services for infants who are  
7 deaf or hard of hearing.

8 The purpose of this Act is to ensure that timely diagnostic  
9 audiologic evaluation results on newborns who did not pass  
10 newborn hearing screening, or infants whose hearing status  
11 changes, are provided to the department of health.

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

14 1. By adding four new definitions to be appropriately  
15 inserted and to read:

16 "Audiologist" means an individual professional licensed as  
17 an audiologist pursuant to chapter 468E.

18 "Deaf or hard of hearing" means any type and degree of  
19 permanent hearing loss as assessed by an audiologist or  
20 physician specialized in hearing function.



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

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

7       2. By repealing the definition of "hearing impaired  
8 infant":

9       ~~["Hearing impaired infant" means an infant who has an~~  
10 ~~impairment that is a dysfunction of the auditory system of any~~  
11 ~~type or degree sufficient to interfere with the acquisition and~~  
12 ~~development of speech and language skills."]~~

13       3. By repealing the definitions of "management" and  
14 "screening":

15       ~~["Management" means the habilitation of the hearing~~  
16 ~~impaired infant.~~

17       ~~"Screening" means a test or battery of tests administered~~  
18 ~~to determine the need for a professional examination."]~~

19       SECTION 3. Section 321-362, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§321-362 Duties. It shall be the duty and responsibility  
2 of the department to:

3           (1) Establish, implement, and evaluate a statewide  
4           ~~[program for early identification of, and intervention~~  
5           ~~for, hearing impairment in infants,]~~ system for  
6           hearing screening and diagnostic audiologic evaluation  
7           to identify infants who are deaf or hard of hearing,  
8           and for referral and enrollment of these infants in  
9           early intervention services;

10          (2) Establish standards and guidelines for ~~[the]~~ hearing  
11          screening, identification, diagnosis, intervention,  
12          and monitoring of infants ~~[with hearing impairment and~~  
13          ~~infants at risk for delayed onset of hearing~~  
14          ~~impairment,]~~ who are deaf or hard of hearing or have  
15          been identified with a risk indicator for developing  
16          delayed-onset or progressive hearing loss, or both;

17          (3) Develop a plan in conjunction with the department of  
18          ~~[education's statewide center for students with~~  
19          ~~hearing or visual impairments]~~ education to involve  
20          ~~[the]~~ parents or guardians ~~[with the]~~ in any medical  
21          and educational follow-up ~~[and management of]~~ for



1 infants who ~~[have been identified as hearing impaired~~  
 2 ~~or at risk of delayed onset of hearing impairments,]~~  
 3 are deaf or hard of hearing, or who have been  
 4 identified with a risk indicator for developing  
 5 delayed-onset or progressive hearing loss, or both;  
 6 and

7 (4) Collect and analyze program data in relation to the  
 8 duties and responsibilities of the department."

9 SECTION 4. Section 321-362.5, Hawaii Revised Statutes, is  
 10 amended to read as follows:

11 "[~~{~~]§321-362.5[~~}~~—~~Screening for hearing impairment.~~]  
 12 Hearing screening, diagnostic audiologic evaluation, and  
 13 intervention. (a) All newborn infants shall ~~[be screened for~~  
 14 ~~hearing impairment for early identification of children with~~  
 15 ~~hearing loss and for the promotion of their development of~~  
 16 ~~language and communication.]~~ receive a hearing screening to  
 17 allow early identification and intervention to maximize social,  
 18 emotional, and language outcomes for children who are deaf or  
 19 hard of hearing.

20 (b) The person in charge of each birthing facility caring  
 21 for newborn infants and the responsible physician attending the



1 birth of a newborn or the person assisting the birth of a child  
2 not attended by a physician shall ensure that every infant in  
3 the person's care ~~[be screened for hearing impairment.]~~ receives  
4 a hearing screening. This section shall not apply if the  
5 parent, guardian, or other person having custody or control of  
6 the child objects to the hearing screening in writing on the  
7 grounds that the hearing screening conflicts with their  
8 religious beliefs. The written objection shall be made a part  
9 of the infant's medical record.

10 (c) Birthing facilities ~~[screening newborn infants for~~  
11 ~~hearing impairment]~~ shall report newborn hearing screening  
12 results to the department ~~[, for the purpose of the department~~  
13 ~~ensuring a statewide system for the screening, diagnostic~~  
14 ~~evaluation, and intervention for all newborn infants with~~  
15 ~~hearing impairment)].~~

16 (d) Audiologists and physicians specialized in hearing  
17 function who perform diagnostic audiologic evaluations of  
18 infants shall report to the department, the diagnostic  
19 audiologic evaluation results of those infants who do not pass  
20 the hearing screening test and those who are diagnosed as deaf  
21 or hard of hearing up to the age of three years."



1 SECTION 5. Section 321-363, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§321-363 Rules. The department shall adopt rules,  
4 pursuant to chapter 91, necessary for the purposes of this part,  
5 including but not limited to administration and quality of  
6 newborn hearing screening; retention of records and related  
7 data; reporting of [~~positive~~] hearing screening results;  
8 reporting of diagnostic audiologic evaluation [~~and~~] results for  
9 those infants who fail newborn hearing screenings or have been  
10 identified as deaf or hard of hearing; intervention for infants  
11 [~~with hearing impairment~~+] who have been identified as deaf or  
12 hard of hearing; informing parents about the purpose of hearing  
13 screening[+], diagnostic audiologic evaluation, and  
14 intervention; and maintaining the confidentiality of affected  
15 families."

16 SECTION 6. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

Newborns; Hearing Screening; Diagnostic Audiologic Evaluations;  
DOH

**Description:**

Requires diagnostic audiologic evaluation results of newborn hearing screening evaluations, or infants whose hearing status changes, to be provided to the Department of Health. (SD2)

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