

# S.B. NO. 1140

JAN 27 2021

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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. Newborn hearing screening is mandated by  
2 section 321-361 to 321-363, Hawaii Revised Statutes, as a public  
3 health screening program that helps deaf or hard of hearing  
4 children reach their developmental milestones and be language  
5 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           Furthermore, 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. Consistent reporting of diagnostic  
18 audiologic evaluation results will allow the program to ensure

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1 that all infants who do not pass hearing screening will receive  
2 a diagnostic audiologic evaluation and appropriate follow-up and  
3 support. Timely diagnostic audiologic evaluation results will  
4 also facilitate referrals into early intervention services for  
5 infants who are deaf or hard of hearing.

6 The purpose of this Act is to ensure that timely diagnostic  
7 audiologic reports on newborns who did not pass newborn hearing  
8 screening, or infants whose hearing status changes, are provided  
9 to the department of health; and to update definitions and  
10 terminology.

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

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

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

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

20 "Department" means the department of health.

21 "Diagnostic audiologic evaluation" means an evaluation of  
22 the sensitivity of a person's sense of hearing as assessed by a

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1 licensed audiologist or physician specialized in hearing  
2 function.

3 ~~["Hearing-impaired infant" means an infant who has an~~  
4 ~~impairment that is a dysfunction of the auditory system of any~~  
5 ~~type or degree sufficient to interfere with the acquisition and~~  
6 ~~development of speech and language skills.]~~

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

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

12 ~~["Management" means the habilitation of the hearing~~  
13 ~~impaired infant.~~

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

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

18 "**§321-362 Duties.** It shall be the duty and responsibility  
19 of the department to:

20 (1) Establish, implement, and evaluate a statewide  
21 ~~[program for early identification of, and intervention~~  
22 ~~for, hearing impairment in infants;] system for~~

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1 hearing screening and diagnostic audiologic evaluation  
2 to identify infants who are deaf or hard of hearing,  
3 and for referral and enrollment of these infants in  
4 early intervention services;

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

12 (3) Develop a plan in conjunction with the department of  
13 ~~[education's statewide center for students with~~  
14 ~~hearing or visual impairments]~~ education to involve  
15 ~~[the]~~ parents or guardians ~~[with the]~~ in any medical  
16 and educational follow-up ~~[and management of]~~ for  
17 infants who ~~[have been identified as hearing impaired~~  
18 ~~or at risk of delayed onset of hearing impairments;]~~  
19 are deaf or hard of hearing, or who have been  
20 identified with a risk indicator for developing  
21 delayed-onset or progressive hearing loss, or both;  
22 and

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

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

5 "[+]§321-362.5[+] ~~Screening for hearing impairment.~~]

6 Hearing screening, diagnostic audiologic evaluation, and

7 intervention. (a) All newborn infants shall [~~be screened for~~  
8 ~~hearing impairment for early identification of children with~~  
9 ~~hearing loss and for the promotion of their development of~~  
10 ~~language and communication.~~] receive a hearing screening to  
11 allow early identification and intervention to maximize social,  
12 emotional, and language outcomes for children who are deaf or  
13 hard of hearing.

14 (b) The person in charge of each birthing facility caring  
15 for newborn infants and the responsible physician attending the  
16 birth of a newborn or the person assisting the birth of a child  
17 not attended by a physician shall ensure that every infant in  
18 the person's care [~~be screened for hearing impairment.~~] receives  
19 a hearing screening. This section shall not apply if the  
20 parent, guardian, or other person having custody or control of  
21 the child objects to the hearing screening in writing on the  
22 grounds that the hearing screening conflicts with their

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1 religious beliefs. The written objection shall be made a part  
2 of the infant's medical record.

3 (c) Birthing facilities [~~screening newborn infants for~~  
4 ~~hearing impairment~~] shall report newborn hearing screening  
5 results to the department [~~, for the purpose of the department~~  
6 ~~ensuring a statewide system for the screening, diagnostic~~  
7 ~~evaluation, and intervention for all newborn infants with~~  
8 ~~hearing impairment~~].

9 (d) Audiologists and physicians specialized in hearing  
10 function who perform diagnostic audiologic evaluations of  
11 infants shall report diagnostic audiologic evaluation results of  
12 those infants who do not pass the hearing screening test or are  
13 diagnosed as deaf or hard of hearing up to the age of three  
14 years to the department."

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

17 "**§321-363 Rules.** The department shall adopt rules,  
18 pursuant to chapter 91, necessary for the purposes of this part,  
19 including but not limited to administration and quality of  
20 newborn hearing screening; retention of records and related  
21 data; reporting of [~~positive~~] hearing screening results;  
22 reporting of diagnostic audiologic evaluation [~~and~~] results;

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1 intervention for infants [~~with hearing impairment,~~] who have  
2 been identified as deaf or hard of hearing; informing parents  
3 about the purpose of hearing screening[+], diagnostic audiologic  
4 evaluation, and intervention; and maintaining the  
5 confidentiality of affected families."

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

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

9  
10 INTRODUCED BY: 

11 BY REQUEST

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**Report Title:**

Newborn; Hearing Screening; Diagnostic Tests

**Description:**

Amends the newborn hearing screening statute to mandate reporting of diagnostic audiologic evaluation results to improve hearing follow-up of infants. Updates definitions and terminology.

JUSTIFICATION SHEET

DEPARTMENT: HEALTH

TITLE: RELATING TO NEWBORN HEARING SCREENING

PURPOSE: To mandate the reporting of diagnostic hearing test results for infants failing newborn hearing screening or diagnosed as deaf or hard of hearing up to 3 years of age, clarify the role of the newborn hearing screening program data activities, and update the definitions and terminology.

MEANS: Amend sections 321-361, 321-362, 321-362.5, and 321-363, Hawaii Revised Statutes.

JUSTIFICATION: Newborn hearing screening is a mandated public health screening program. The goal of newborn hearing screening is to screen newborns by one month, identify hearing loss by 3 months, and have the infant enrolled in intervention services by 6 months so that the child can reach his/her developmental milestones and be ready to enter school at the appropriate age.

The current statute does not allow the state newborn hearing screening program to routinely access diagnostic hearing test results. The program needs to know if a diagnostic test was done to ensure that babies with congenital hearing loss are identified. Also, the diagnostic test result that confirm an infant has hearing loss allows the program staff to begin work to get the child is enrolled in early intervention services. Other diagnostic test results of children confirmed as deaf or hard of hearing up to age 3 years allows the program to perform quality assurance and improvement functions for the program.

Identification, diagnosis, and early intervention in newborns and infants is especially important for our state since the

available data shows that Hawaii has two times as many cases of confirmed congenital hearing loss as in other states.

Impact on the public: Increased surveillance of infants who fail newborn hearing screening receive diagnostic testing and those who are confirmed with hearing loss enter early intervention services will lead to children with congenital hearing loss being ready to enter school at the appropriate age.

Impact on the department and other agencies: The Department of Health's Early Intervention Section will need to work with its Newborn Hearing Screening Program to document enrollment in early intervention services.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HTH-560.

OTHER AFFECTED  
AGENCIES: Department of Education.

EFFECTIVE DATE: Upon approval.