
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 sections 321-361 through 321-363,
3 Hawaii Revised Statutes, as a public health screening program
4 that helps deaf or hard of hearing children reach their
5 developmental milestones and be language ready for school.
6 Furthermore, the national standards for early hearing
7 detection and intervention include 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 The legislature further finds that the department of
15 health's newborn hearing screening program does not receive
16 diagnostic audiologic evaluation results for all newborns who do
17 not pass newborn hearing screening. Consistent reporting of



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

7 The purpose of this Act is to:

- 8 (1) Ensure that timely diagnostic audiologic reports on
9 newborns who did not pass newborn hearing screening,
10 or infants whose hearing status changes, are provided
11 to the department of health; and
12 (2) Update definitions and terminology.

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

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

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

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

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

8 2. By deleting the definition of "Hearing-impaired
9 infant".

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

14 3. By deleting the definition of "Management".

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

17 4. By deleting the definition of "Screening".

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

20 SECTION 3. Section 321-362, Hawaii Revised Statutes, is
21 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 diagnostic audiologic evaluation results of
19 those infants who do not pass the hearing screening test or are
20 diagnosed as deaf or hard of hearing up to the age of three
21 years to the department."



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 the 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 infants who fail newborn hearing screening 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:

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. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

