

JAN 26 2022

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# A BILL FOR AN ACT

RELATING TO NEWBORN HEARING SCREENING AND DIAGNOSIS.

**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 to 363, 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 with their peers.

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

15           The legislature further finds that section 321-362.5,  
16 Hawaii Revised Statutes, allows the department of health newborn  
17 hearing screening program to receive all newborn hearing

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1 screening results to ensure that newborns receive hearing  
2 screening and are referred for diagnostic audiologic evaluation.

3       The legislature further finds that the department of health  
4 newborn hearing screening program does not receive diagnostic  
5 audiologic evaluation results for all newborns who do not pass  
6 newborn hearing screening. Consistent reporting of diagnostic  
7 audiologic evaluation results will allow the program to ensure  
8 that all infants who do not pass hearing screening will receive  
9 a diagnostic audiologic evaluation and appropriate follow-up and  
10 support. Timely diagnostic audiologic evaluation results will  
11 also facilitate referrals into early intervention services for  
12 infants who are deaf or hard of hearing.

13       The purposes of this Act are to (1) ensure that timely  
14 diagnostic audiologic evaluation reports on newborns who did not  
15 pass newborn hearing screening, or infants whose hearing status  
16 changes, are provided to the department of health, and (2) to  
17 update definitions and terminology.

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

20       "[+]§321-361[+] **Definitions.** As used in this part, unless  
21 the context clearly indicates otherwise:

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1       "Audiologist" means a professional licensed pursuant to  
2 chapter 468E.

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

6       "Department" means the department of health.

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

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

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

19       ~~["Management" means the habilitation of the hearing~~  
20 ~~impaired infant.~~

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

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

3 "§321-362 Duties. It shall be the duty and responsibility  
4 of the department to:

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

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

20 (3) Develop a plan in conjunction with the department of  
21 ~~[education's statewide center for students with~~  
22 ~~hearing or visual impairments]~~ education to involve

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1 the parents or guardians [~~with the~~] in any medical and  
2 educational follow-up [~~and management of~~] for infants  
3 who [~~have been identified as hearing impaired or at~~  
4 ~~risk of delayed onset of hearing impairments;~~] are  
5 deaf or hard of hearing, or who have been identified  
6 as having a risk indicator for developing delayed-  
7 onset or progressive hearing loss, or both; and

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

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

12 "[+] §321-362.5 [~~— Screening for hearing impairment.~~]

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

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

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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 who  
20 are diagnosed as deaf or hard of hearing up to the age of three  
21 years to the department."

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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;  
9 intervention for infants [~~with hearing impairment;~~] who have  
10 been identified as deaf or hard of hearing; informing parents  
11 about the purpose of hearing screening[+], diagnostic audiologic  
12 evaluation, and intervention; and maintaining the  
13 confidentiality of affected families."

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

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

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INTRODUCED BY: 

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BY REQUEST

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**Report Title:**

Newborn; Newborn Hearing Screening; Newborn Hearing Diagnosis;  
Diagnostic Audiologic Evaluation

**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

**SB. NO. 3117**

DEPARTMENT: HEALTH

TITLE: RELATING TO NEWBORN HEARING SCREENING AND  
DIAGNOSIS.

PURPOSE: To mandate the reporting of diagnostic hearing  
test results for infants failing newborn hearing  
screening or who are 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 allows the Department of  
Health's newborn hearing screening program to  
receive all newborn hearing screening results  
but does not allow it to routinely access  
diagnostic hearing test results. The program  
needs to know if a diagnostic test was done to  
ensure that infants 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 enrolled in early intervention  
services. Receipt of 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 the State because the available data show that Hawaii has two times as many cases of confirmed congenital hearing loss as other states.

Impact on the public: Increased surveillance of infants who fail newborn hearing screening to ensure they receive diagnostic testing and increased surveillance of those who are confirmed with hearing loss to ensure they 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's newborn hearing screening program will work with the Department's Early Intervention Section 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.