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H.B. No. 2566

A BILL TO BE ENTITLED

AN ACT

relating to newborn and infant hearing screenings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 47.0031(b), Health and Safety Code, is amended to read as follows:

(b) If a newborn or an infant does not pass the screening in a follow-up hearing screening, the program that performed the follow-up hearing screening on the newborn or infant shall:

(1) provide the screening results to:

(A) the newborn's or infant's parents; and

(B) ~~[with the prior written consent of the newborn's or infant's parents,~~ the primary statewide resource center established under Section 30.051, Education Code;

(2) assist in scheduling a diagnostic audiological evaluation for the newborn or infant, consistent with the most current guidelines in the Joint Committee on Infant Hearing Position Statement, or refer the newborn or infant to a licensed audiologist who provides diagnostic audiological evaluations for newborns or infants that are consistent with the most current guidelines in the Joint Committee on Infant Hearing Position Statement; and

(3) refer the newborn or infant to early childhood intervention services and the primary statewide resource center established under Section 30.051, Education Code.

1 SECTION 2. Sections 47.007(b), (d), (e), and (f), Health
2 and Safety Code, are amended to read as follows:

3 (b) A [~~Subject to Section 47.008, a~~] qualified hearing
4 screening provider, hospital, health care provider, physician,
5 audiologist, or intervention specialist shall access the
6 information management, reporting, and tracking system to provide
7 information to the department and may obtain information from the
8 department relating to:

9 (1) the results of each hearing screening performed
10 under Section 47.003(a) or 47.0031(a);

11 (2) the results of each diagnostic audiological
12 evaluation required under Section 47.0031(b)(2);

13 (3) infants who receive follow-up care;

14 (4) infants identified with hearing loss;

15 (5) infants who are referred for intervention
16 services; and

17 (6) case level information necessary to report
18 required statistics to:

19 (A) the federal Maternal and Child Health Bureau
20 on an annual basis; and

21 (B) the federal Centers for Disease Control and
22 Prevention.

23 (d) A qualified hearing screening provider, audiologist,
24 intervention specialist, educator, or other person who receives a
25 referral from a program under this chapter shall:

26 (1) provide the services needed by the newborn or
27 infant or refer the newborn or infant to a person who provides the

1 services needed by the newborn or infant; and

2 (2) provide~~[, with the consent of the newborn's or~~
3 ~~infant's parent,]~~ the following information to the department or
4 the department's designee:

5 (A) results of follow-up care;

6 (B) results of audiologic testing ~~[of an infant~~
7 ~~identified with hearing loss]~~; and

8 (C) reports on the initiation of intervention
9 services.

10 (e) A qualified hearing screening provider, audiologist,
11 intervention specialist, educator, or other person who provides
12 services to an infant who is diagnosed with hearing loss shall
13 provide~~[, with the consent of the infant's parent,]~~ the following
14 information to the department or the department's designee:

15 (1) results of follow-up care;

16 (2) results of audiologic testing; and

17 (3) reports on the initiation of intervention
18 services.

19 (f) A hospital that provides services under this chapter
20 shall use the information management, reporting, and tracking
21 system described by this section, access to which has been provided
22 to the hospital by the department, to report~~[, with the consent of~~
23 ~~the infant's parent,]~~ the following information to the department
24 or the department's designee:

25 (1) results of all follow-up services for an infant
26 who is screened as ~~[does not pass the screening]~~ described by
27 Section [47.003](#)(a) if the hospital provides the follow-up services;

1 or

2 (2) the name of the provider or facility to which the
3 hospital refers an infant who does not pass the screening described
4 by Section 47.003(a) for follow-up services.

5 SECTION 3. Section 47.008(c), Health and Safety Code, is
6 amended to read as follows:

7 (c) The executive commissioner by rule shall develop
8 guidelines to protect the confidentiality of patients in accordance
9 with Chapter 159, Occupations Code, and require ~~[the written or~~
10 ~~electronic consent of]~~ a parent or guardian of a patient to consent
11 once in accordance with Section 47.0085 before ~~[any]~~ individually
12 identifying information is disclosed for purposes of ~~[provided to~~
13 ~~the department or the primary statewide resource center established~~
14 ~~under Section 30.051, Education Code, as set out in]~~ this chapter.
15 The department and primary statewide resource center established
16 under Section 30.051, Education Code, shall permit a parent or
17 guardian at any time to withdraw information provided to the
18 department or center under this chapter.

19 SECTION 4. The heading to Section 47.0085, Health and
20 Safety Code, is amended to read as follows:

21 Sec. 47.0085. DISCLOSURE AND CONSENT.

22 SECTION 5. Section 47.0085, Health and Safety Code, is
23 amended by amending Subsection (a) and adding Subsections (a-1) and
24 (a-2) to read as follows:

25 (a) If the consent required for disclosure of information
26 under Section 47.008(c) is obtained, a follow-up provider listed in
27 Section 47.007 is not required to obtain additional consent of the

1 patient's parent or guardian before providing or obtaining
2 screening results, follow-up care results, or other information
3 related to the patient as specified in Section 47.007.

4 (a-1) The department shall create a disclosure statement
5 for parents or guardians of newborns or infants under the program
6 disclosing that:

7 (1) the results of a newborn's or infant's screening
8 under Sections 47.003 and 47.0031 may be shared with:

9 (A) the primary statewide resource center
10 established under Section 30.051, Education Code; and

11 (B) early childhood intervention services
12 developed under Chapter 73, Human Resources Code;

13 (2) a written or electronic consent of the parent or
14 guardian must be obtained once in accordance with this section
15 before information individually identifying a newborn or infant
16 patient is disclosed for purposes of this chapter; and

17 (3) the parent's or guardian's consent described by
18 Subdivision (2) may be revoked at any time as provided by Subsection
19 (a-2)(7).

20 (a-2) The department shall create a process to:

21 (1) require a birthing facility during a birth
22 admission to:

23 (A) review with a newborn's parent the disclosure
24 statement required by Subsection (a-1);

25 (B) obtain the written or electronic consent of
26 the parent once as required by Section 47.008(c); and

27 (C) if the newborn's parent provides the consent,

1 document the consent in the information management, reporting, and
2 tracking system described by Section 47.007;

3 (2) if the consent of a newborn's parent is not
4 obtained under Subdivision (1)(B), allow a follow-up provider of
5 services to the newborn or infant under this chapter to obtain the
6 consent;

7 (3) permit the parent or guardian of a newborn or
8 infant to provide the consent [~~required under this chapter~~] through
9 electronic means, including through audio or video recording;

10 (4) ensure the consent status of the parent or
11 guardian of a patient is clearly indicated to follow-up providers
12 accessing the information management, reporting, and tracking
13 system;

14 (5) [~~(2)~~] determine the manner of storing electronic
15 consent records; [~~and~~]

16 (6) [~~(3)~~] ensure the newborn's or infant's attending
17 physician has access to the electronic consent records for the
18 newborn or infant; and

19 (7) allow a parent or guardian of a newborn or infant
20 to revoke, at any time, the parent's or guardian's consent for
21 disclosure of information described by Section 47.008(c) as
22 required by that section.

23 SECTION 6. Subchapter E, Chapter 401, Occupations Code, is
24 amended by adding Section 401.2023 to read as follows:

25 Sec. 401.2023. RULES FOR REPORTING AND REFERRING NEWBORN
26 AND INFANT HEARING SCREENINGS AND DIAGNOSTIC SERVICES. (a) An
27 audiologist or a speech-language pathologist that provides

1 screening or diagnostic services to newborns or infants shall
2 follow the protocols for referrals and reporting as required by
3 Chapter 47, Health and Safety Code, and commission rules.

4 (b) With the assistance of the advisory board, the
5 commission shall adopt rules to establish requirements for
6 referrals and reporting regarding newborn or infant hearing
7 screenings or diagnostic services for purposes of this chapter and
8 Chapter 47, Health and Safety Code. In adopting rules under this
9 subsection, the commission shall consult with the Department of
10 State Health Services or the executive commissioner of the Health
11 and Human Services Commission as necessary.

12 SECTION 7. (a) The changes in law made by this Act to
13 Sections 47.0031(b) and 47.007, Health and Safety Code, apply only
14 to data relating to a hearing screening performed under Chapter 47,
15 Health and Safety Code, on or after the effective date of this Act.
16 Data relating to a hearing screening performed before the effective
17 date of this Act is governed by the law in effect on the date the
18 hearing screening was performed, and the former law is continued in
19 effect for that purpose.

20 (b) As soon as practicable after the effective date of this
21 Act, the executive commissioner of the Health and Human Services
22 Commission shall adopt rules as necessary to implement the changes
23 in law made by this Act.

24 (c) As soon as practicable after the effective date of this
25 Act, the commissioner of state health services shall create the
26 disclosure statement required by Section 47.0085(a-1), as added by
27 this Act.

1 (d) As soon as practicable after the effective date of this
2 Act, the Texas Commission of Licensing and Regulation shall adopt
3 rules necessary to implement the changes in law made by Section
4 401.2023, Occupations Code, as added by this Act.

5 SECTION 8. This Act takes effect September 1, 2021.