

By: Nelson

S.B. No. 229

A BILL TO BE ENTITLED

AN ACT

relating to newborn hearing screenings and hearing services for certain children.

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

SECTION 1. Subdivision (2), Section 47.001, Health and Safety Code, is amended to read as follows:

(2) "Birthing facility" means:

(A) a hospital licensed under Chapter 241 that offers obstetrical services [~~and is located in a county with a population of more than 50,000~~]; [~~or~~]

(B) a birthing center licensed under Chapter 244;

(C) a children's hospital; or

(D) a facility, maintained or operated by this state or an agency of this state, that provides obstetrical services [that is located in a county with a population of more than 50,000 and that has 100 or more births per year].

SECTION 2. Chapter 47, Health and Safety Code, is amended by adding Section 47.0035 to read as follows:

Sec. 47.0035. REFERRAL TO PROGRAM BY MIDWIFE. (a) In this section, "midwife" has the meaning assigned by Section 203.002, Occupations Code.

(b) A midwife who attends the birth of a newborn:

(1) is not required to offer the parents of a newborn a hearing screening for the newborn for the identification of hearing

1 loss; and

2 (2) shall refer the parents of the newborn to a
3 birthing facility or a provider that participates in the program if
4 the birth of the newborn does not occur at a birthing facility.

5 SECTION 3. Section 47.007, Health and Safety Code, is
6 amended by amending Subsections (a) and (c) and adding Subsections
7 (d) through (g) to read as follows:

8 (a) The department shall provide each birthing facility
9 that provides newborn hearing screening under the state's medical
10 assistance program provided under Chapter 32, Human Resources Code,
11 with access to the appropriate information management, reporting,
12 and tracking system [~~software~~] for the program. The information
13 management, reporting, and tracking system must be capable of
14 providing the department with information and data necessary to
15 plan, monitor, and evaluate the program, including the program's
16 screening, follow-up, diagnostic, and intervention components.

17 (c) A birthing facility described by Subsection (a) shall
18 report the resulting information in the format and within the time
19 frame specified by the department.

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

23 (1) provide the services needed by the child or refer
24 the child to a person who provides the services needed by the child;
25 and

26 (2) provide, with the consent of the child's parent,
27 the following information to the department or the department's

1 designee:

2 (A) results of follow-up care;

3 (B) results of audiologic testing of infants
4 identified with hearing loss; and

5 (C) reports on the initiation of intervention
6 services.

7 (e) A qualified hearing screening provider, audiologist,
8 intervention specialist, educator, or other person who provides
9 services to infants who are diagnosed with hearing loss shall
10 provide, with the consent of the infant's parent, the following
11 information to the department or the department's designee:

12 (1) results of follow-up services;

13 (2) results of audiologic testing of infants
14 identified with hearing loss; and

15 (3) reports on the initiation of intervention
16 services.

17 (f) A hospital that provides services under this chapter
18 shall use the information management, reporting, and tracking
19 system, which the department has provided the hospital with access
20 to, to report, with the consent of the infant's parent, the
21 following information to the department or the department's
22 designee:

23 (1) results of all follow-up services for infants who
24 do not pass the birth admission screening if the hospital provides
25 the follow-up services; or

26 (2) the name of the provider or facility where the
27 hospital refers an infant who does not pass the birth admission

1 screening for follow-up services.

2 (g) The department shall ensure that the written consent of
3 a parent is obtained before any information individually
4 identifying the newborn or infant is released through the
5 information management, reporting, and tracking system.

6 SECTION 4. Section 47.002, Health and Safety Code, is
7 repealed.

8 SECTION 5. Notwithstanding Subdivision (2), Section
9 47.001, Health and Safety Code, as amended by this Act, the change
10 in law made by this Act applies only to a birth admission at a
11 birthing facility on or after September 1, 2012.

12 SECTION 6. This Act takes effect September 1, 2011.