

1-1 By: Nelson S.B. No. 229
1-2 (In the Senate - Filed November 18, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 28, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 28, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 229 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to newborn hearing screenings and hearing services for
1-11 certain children.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subdivision (2), Section 47.001, Health and
1-14 Safety Code, is amended to read as follows:

1-15 (2) "Birthing facility" means:

1-16 (A) a hospital licensed under Chapter 241 that
1-17 offers obstetrical services [~~and is located in a county with a~~
1-18 ~~population of more than 50,000~~]; [~~or~~]

1-19 (B) a birthing center licensed under Chapter 244;

1-20 (C) a children's hospital; or

1-21 (D) a facility, maintained or operated by this
1-22 state or an agency of this state, that provides obstetrical
1-23 services [~~that is located in a county with a population of more than~~
1-24 ~~50,000 and that has 100 or more births per year~~].

1-25 SECTION 2. Chapter 47, Health and Safety Code, is amended by
1-26 adding Section 47.0035 to read as follows:

1-27 Sec. 47.0035. REFERRAL TO PROGRAM BY MIDWIFE. (a) In this
1-28 section, "midwife" has the meaning assigned by Section 203.002,
1-29 Occupations Code.

1-30 (b) A midwife who attends the birth of a newborn:

1-31 (1) is not required to offer the parents of a newborn a
1-32 hearing screening for the newborn for the identification of hearing
1-33 loss; and

1-34 (2) shall refer the parents of the newborn to a
1-35 birthing facility or a provider that participates in the program if
1-36 the birth of the newborn does not occur at a birthing facility.

1-37 SECTION 3. Section 47.007, Health and Safety Code, is
1-38 amended by amending Subsections (a) and (c) and adding Subsections
1-39 (d) through (g) to read as follows:

1-40 (a) The department shall provide each birthing facility
1-41 that provides newborn hearing screening under the state's medical
1-42 assistance program provided under Chapter 32, Human Resources Code,
1-43 with access to the appropriate information management, reporting,
1-44 and tracking system [~~software~~] for the program. The information
1-45 management, reporting, and tracking system must be capable of
1-46 providing the department with information and data necessary to
1-47 plan, monitor, and evaluate the program, including the program's
1-48 screening, follow-up, diagnostic, and intervention components.

1-49 (c) A birthing facility described by Subsection (a) shall
1-50 report the resulting information in the format and within the time
1-51 frame specified by the department.

1-52 (d) A qualified hearing screening provider, audiologist,
1-53 intervention specialist, educator, or other person who receives a
1-54 referral from a program under this chapter shall:

1-55 (1) provide the services needed by the child or refer
1-56 the child to a person who provides the services needed by the child;
1-57 and

1-58 (2) provide, with the consent of the child's parent,
1-59 the following information to the department or the department's
1-60 designee:

1-61 (A) results of follow-up care;

1-62 (B) results of audiologic testing of infants
1-63 identified with hearing loss; and

2-1 (C) reports on the initiation of intervention
2-2 services.

2-3 (e) A qualified hearing screening provider, audiologist,
2-4 intervention specialist, educator, or other person who provides
2-5 services to infants who are diagnosed with hearing loss shall
2-6 provide, with the consent of the infant's parent, the following
2-7 information to the department or the department's designee:

2-8 (1) results of follow-up services;

2-9 (2) results of audiologic testing of infants
2-10 identified with hearing loss; and

2-11 (3) reports on the initiation of intervention
2-12 services.

2-13 (f) A hospital that provides services under this chapter
2-14 shall use the information management, reporting, and tracking
2-15 system, which the department has provided the hospital with access
2-16 to, to report, with the consent of the infant's parent, the
2-17 following information to the department or the department's
2-18 designee:

2-19 (1) results of all follow-up services for infants who
2-20 do not pass the birth admission screening if the hospital provides
2-21 the follow-up services; or

2-22 (2) the name of the provider or facility where the
2-23 hospital refers an infant who does not pass the birth admission
2-24 screening for follow-up services.

2-25 (g) The department shall ensure that the written consent of
2-26 a parent is obtained before any information individually
2-27 identifying the newborn or infant is released through the
2-28 information management, reporting, and tracking system.

2-29 SECTION 4. Section 47.002, Health and Safety Code, is
2-30 repealed.

2-31 SECTION 5. Notwithstanding Subdivision (2), Section
2-32 47.001, Health and Safety Code, as amended by this Act, the change
2-33 in law made by this Act applies only to a birth admission at a
2-34 birthing facility on or after September 1, 2012.

2-35 SECTION 6. This Act takes effect September 1, 2011.

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