

By: Uresti

S.B. No. 270

A BILL TO BE ENTITLED

AN ACT

relating to newborn hearing screenings.

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

SECTION 1. Section 47.002, Health and Safety Code, is amended to read as follows:

Sec. 47.002. APPLICABILITY OF CHAPTER. Except as provided by Section 47.011, this ~~[This]~~ chapter does not apply to a facility operated by a midwife as defined by Section 203.002, Occupations Code.

SECTION 2. Section 47.003, Health and Safety Code, is amended by amending Subsections (a), (c), and (e) and adding Subsection (f) to read as follows:

(a) A birthing facility, through a program certified by the department under Section 47.004, shall perform ~~[offer the parents of a newborn]~~ a hearing screening on each ~~[for the]~~ newborn born at the facility for the identification of hearing loss before the newborn is discharged from the facility unless the parent declines the screening for reasons of conscience, including a religious belief. The birthing facility ~~[screening]~~ shall inform the parents ~~[be offered]~~ during the birth admission that:

(1) the facility is required by law to screen the newborn for hearing loss; and

(2) the parents may decline the screening for reasons of conscience, including a religious belief ~~[, and the parents shall~~

1 ~~be informed that information may be provided to the department upon~~
2 ~~their written consent].~~

3 (c) Subject to Section 47.008, the ~~[The]~~ department shall
4 ~~[may]~~ maintain data and information on each newborn who receives
5 services under a program.

6 (e) The department shall ensure that the intervention
7 described by Subsection (d) is available for a newborn identified
8 as having hearing loss not later than the sixth month after the
9 newborn's birth and through the time the child is an infant.

10 (f) If a newborn or an infant receives intervention services
11 described by Subsection (d), an intervention specialist shall
12 report the results of the intervention under Section 47.007(b).

13 SECTION 3. Chapter 47, Health and Safety Code, is amended by
14 adding Section 47.0031 to read as follows:

15 Sec. 47.0031. SECOND SCREENING. (a) The program that
16 performed the hearing screening under Section 47.003 shall provide
17 the newborn's parents with the screening results. A birthing
18 facility, through the program, shall offer a second hearing
19 screening to the parents of a newborn with abnormal screening
20 results. The second hearing screening must be performed not later
21 than the 30th day after the newborn's birth.

22 (b) The program that performed the first hearing screening
23 on the newborn shall perform the second hearing screening as an
24 outpatient service.

25 (c) If a newborn or an infant has abnormal screening results
26 in a second hearing screening, the program that performed the first
27 and second hearing screenings on the newborn or infant shall:

- 1 (1) provide the newborn's or infant's parents with the
2 screening results;
- 3 (2) schedule a diagnostic examination for the newborn
4 or infant; and
- 5 (3) refer the newborn or infant to early childhood
6 intervention services.

7 SECTION 4. Section 47.004(b), Health and Safety Code, is
8 amended to read as follows:

9 (b) In order to be certified, the program must:

- 10 (1) provide hearing screening using equipment
11 recommended by the department;
- 12 (2) use appropriate staff to provide the screening;
- 13 (3) maintain and report data electronically as
14 required by the department;
- 15 (4) distribute family, health care provider, and
16 physician educational materials standardized by the department;
17 ~~[and]~~
- 18 (5) provide information, as recommended by the
19 department, to the parents on follow-up services for newborns and
20 infants with abnormal screening results; and
- 21 (6) be supervised by a physician or an audiologist.

22 SECTION 5. Section 47.005, Health and Safety Code, is
23 amended by amending Subsections (b) and (c) and adding Subsection
24 (d) to read as follows:

25 (b) A ~~[birthing facility that operates a]~~ program shall
26 report screening results to ~~[the parents, the newborn's attending~~
27 ~~physician or health care provider, and]~~ the department.

(c) The division responsible for early childhood intervention services at the Department of Assistive and Rehabilitative Services shall coordinate the diagnostic examination required under Section 47.0031(c)(2) and appropriate ~~[Appropriate]~~ and necessary follow-up care for the infant ~~[who needs follow-up care should be directed and coordinated by the infant's physician or health care provider, with support from appropriate ancillary services]~~. A diagnostic work-up must be completed on the infant not later than the third month after the infant's birth unless the infant has been hospitalized since birth.

(d) An audiologist who performs a diagnostic examination under this chapter shall report the results of the examination to the department under Section 47.007(b).

SECTION 6. Section 47.007(b), Health and Safety Code, is amended to read as follows:

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

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

(2) the results of each diagnostic examination required under Section 47.0031(c)(2);

(3) ~~[(1)]~~ infants who receive follow-up care;

1 (4) [~~(2)~~] infants identified with hearing loss;
2 (5) [~~(3)~~] infants who are referred for intervention
3 services; and
4 (6) [~~(4)~~] case level information necessary to report
5 required statistics to the Maternal and Child Health Bureau on an
6 annual basis.

7 SECTION 7. Chapter 47, Health and Safety Code, is amended by
8 adding Sections 47.010 and 47.011 to read as follows:

9 Sec. 47.010. STANDARD OF CARE. A hearing screening,
10 diagnostic examination, or intervention under this chapter must be
11 performed in accordance with the standards of care established by
12 the Joint Committee on Infant Hearing as those standards existed on
13 January 1, 2011, or later standards of the committee adopted by rule
14 for this purpose by the executive commissioner of the Health and
15 Human Services Commission.

16 Sec. 47.011. DUTIES OF MIDWIFE. (a) In this section,
17 "midwife" has the meaning assigned by Section 203.002, Occupations
18 Code.

19 (b) A midwife who attends the birth of a newborn shall
20 inform the mother of a hearing screening available in accordance
21 with this chapter.

22 SECTION 8. This Act takes effect September 1, 2011.