

1-1 By: Uresti S.B. No. 270
1-2 (In the Senate - Filed December 16, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; April 11, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 April 11, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 270 By: Uresti

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

1-10 relating to newborn hearing screenings.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subdivision (2), Section 47.001, Health and
1-13 Safety Code, is amended to read as follows:

1-14 (2) "Birthing facility" means:

1-15 (A) a hospital licensed under Chapter 241 that
1-16 offers obstetrical services ~~[and is located in a county with a~~
1-17 ~~population of more than 50,000]; or~~

1-18 (B) a birthing center licensed under Chapter 244
1-19 ~~[that is located in a county with a population of more than 50,000~~
1-20 ~~and that has 100 or more births per year].~~

1-21 SECTION 2. Section 47.003, Health and Safety Code, is
1-22 amended by amending Subsections (a), (c), and (e) and adding
1-23 Subsection (f) to read as follows:

1-24 (a) A birthing facility, through a program certified by the
1-25 department under Section 47.004, shall perform ~~[offer the parents~~
1-26 ~~of a newborn]~~ a hearing screening on each ~~[for the]~~ newborn born at
1-27 the facility for the identification of hearing loss before the
1-28 newborn is discharged from the facility unless the parent declines.
1-29 The birthing facility [screening] shall inform the parents [be
1-30 offered] during the birth admission that:

1-31 (1) the facility is required by law to screen the
1-32 newborn for hearing loss; and

1-33 (2) the parents may decline the screening[, and the
1-34 parents shall be informed that information may be provided to the
1-35 department upon their written consent].

1-36 (c) Subject to Section 47.008, the [The] department shall
1-37 [may] maintain data and information on each newborn who receives
1-38 services under the [a] program.

1-39 (e) The department shall ensure that the intervention
1-40 described by Subsection (d) is available for a newborn identified
1-41 as having hearing loss not later than the sixth month after the
1-42 newborn's birth and through the time the child is an infant.

1-43 (f) If a newborn or an infant receives intervention services
1-44 described by Subsection (d), an intervention specialist shall
1-45 report the results of the intervention under Section 47.007(b).

1-46 SECTION 3. Chapter 47, Health and Safety Code, is amended by
1-47 adding Section 47.0031 to read as follows:

1-48 Sec. 47.0031. FOLLOW-UP SCREENING. (a) The program that
1-49 performed the hearing screening under Section 47.003 shall provide
1-50 the newborn's parents with the screening results. A birthing
1-51 facility, through the program, shall offer or refer to the parents
1-52 of a newborn with abnormal screening results a follow-up hearing
1-53 screening. The follow-up hearing screening should be performed not
1-54 later than the 30th day after the date the newborn is discharged
1-55 from the facility.

1-56 (b) If a newborn or an infant has abnormal screening results
1-57 in a follow-up hearing screening, the program that performed the
1-58 follow-up hearing screening on the newborn or infant shall:

1-59 (1) provide the newborn's or infant's parents with the
1-60 screening results;

1-61 (2) schedule, or refer for, a diagnostic audiological
1-62 evaluation for the newborn or infant; and

1-63 (3) refer the newborn or infant to early childhood

2-1 intervention services.

2-2 SECTION 4. Subsection (b), Section 47.004, Health and
2-3 Safety Code, is amended to read as follows:

2-4 (b) In order to be certified, the program must:

2-5 (1) provide hearing screening using equipment
2-6 recommended by the department;

2-7 (2) use appropriate staff to provide the screening;

2-8 (3) maintain and report data electronically as
2-9 required by the department;

2-10 (4) distribute family, health care provider, and
2-11 physician education materials standardized by the department;
2-12 ~~[and]~~

2-13 (5) provide information, as recommended by the
2-14 department, to the parents on follow-up services for newborns and
2-15 infants with abnormal screening results; and

2-16 (6) be supervised by a physician, physician assistant,
2-17 audiologist, or registered nurse.

2-18 SECTION 5. Section 47.005, Health and Safety Code, is
2-19 amended by amending Subsections (b) and (c) and adding Subsection
2-20 (d) to read as follows:

2-21 (b) A birthing facility that operates a program shall report
2-22 screening results to the parents, the newborn's attending
2-23 physician, primary care physician, or health care provider, and the
2-24 department.

2-25 (c) The department responsible for early childhood
2-26 intervention services and the infant's physician or health care
2-27 provider shall coordinate the diagnostic audiological evaluation
2-28 required under Section 47.0031(b)(2) and any appropriate
2-29 [Appropriate] and necessary follow-up care for the infant [who
2-30 needs follow-up care should be directed and coordinated by the
2-31 infant's physician or health care provider, with support from
2-32 appropriate ancillary services]. A diagnostic audiological
2-33 evaluation must be completed on the infant not later than the third
2-34 month after the infant's birth unless the infant has been
2-35 hospitalized since birth.

2-36 (d) An audiologist who performs a diagnostic audiological
2-37 evaluation under this chapter shall report the results of the
2-38 examination to the parents, the newborn's attending physician or
2-39 health care provider, and the newborn's primary care physician
2-40 under Section 47.007(b).

2-41 SECTION 6. Subsection (b), Section 47.007, Health and
2-42 Safety Code, is amended to read as follows:

2-43 (b) Subject to Section 47.008, a [A] qualified hearing
2-44 screening provider, hospital, health care provider, physician,
2-45 audiologist, or intervention specialist shall [may] access the
2-46 information management, reporting, and tracking system to provide
2-47 information[, where available,] to the department, and may obtain
2-48 information from the department, [including information] relating
2-49 to:

2-50 (1) the results of each hearing screening performed
2-51 under Section 47.003(a) or 47.0031(a);

2-52 (2) the results of each diagnostic audiological
2-53 evaluation required under Section 47.0031(b)(2);

2-54 (3) infants who receive follow-up care;

2-55 (4) ~~[(2)]~~ infants identified with hearing loss;

2-56 (5) ~~[(3)]~~ infants who are referred for intervention
2-57 services; and

2-58 (6) ~~[(4)]~~ case level information necessary to report
2-59 required statistics to the Maternal and Child Health Bureau on an
2-60 annual basis.

2-61 SECTION 7. Chapter 47, Health and Safety Code, is amended by
2-62 adding Sections 47.010 and Section 47.011 to read as follows:

2-63 Sec. 47.010. RULEMAKING. Not later than January 1, 2012,
2-64 the executive commissioner of the Health and Human Services
2-65 Commission shall adopt rules based on the guidelines established by
2-66 the Joint Committee on Infant Hearing as they relate to the hearing
2-67 screening, diagnostic audiological evaluation, or intervention as
2-68 necessary to implement this chapter.

2-69 Sec. 47.011. DUTIES OF MIDWIFE. (a) In this section,

3-1 "midwife" has the meaning assigned by Sections 203.002 and 301.152,
3-2 Occupations Code.

3-3 (b) A midwife who attends the birth of a newborn shall refer
3-4 the mother to a birthing facility or a provider that performs a
3-5 hearing screening in accordance with this chapter.

3-6 SECTION 8. Not later than January 1, 2012, the executive
3-7 commissioner of the Health and Human Services Commission shall
3-8 adopt a form to document a parent's decision to decline screening as
3-9 necessary to implement Section 47.003(a), Health and Safety Code,
3-10 as amended by this Act. The form may be posted on the commission's
3-11 website.

3-12 SECTION 9. Section 47.002, Health and Safety Code, is
3-13 repealed.

3-14 SECTION 10. This Act takes effect September 1, 2012.

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