86R4408 JG-F

By:  Darby H.B. No. 2255

A BILL TO BE ENTITLED

AN ACT

relating to the sharing of newborn and infant hearing screening results and the provision of information to parents following a screening.

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 newborn's or infant's parents with the screening results;

(2)  with the prior written consent of the newborn's or infant's parents, provide the screening results to the primary statewide resource center established under Section 30.051, Education Code;

(3)  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

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

SECTION 2.  Section 47.005, Health and Safety Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (a-1) to read as follows:

(a)  A birthing facility that operates a program shall simultaneously distribute to the parents of each newborn or infant who is screened:

(1)  the screening results;

(2)  educational and informational materials that are standardized by the department regarding:

(A)  [~~screening results and~~] follow-up care; and

(B)  available public resources, including:

(i)  early childhood intervention services developed under Chapter 73, Human Resources Code;

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

(iii)  contact information for Texas Early Hearing Detection and Intervention.

(a-1)  The department shall make available to the public on request the educational and informational materials described by Subsection (a)(2).

(b)  A birthing facility that operates a program shall report screening results to:

(1)  the parents;

(2)  the newborn's or infant's attending physician, primary care physician, or other applicable health care provider; [~~and~~]

(3)  the department; and

(4)  the primary statewide resource center established under Section 30.051, Education Code.

(d)  The department may coordinate the diagnostic audiological evaluation required under Section 47.0031(b)(3) [~~47.0031(b)(2)~~]. A diagnostic audiological evaluation must be completed on the newborn or infant:

(1)  not later than the third month after the newborn's or infant's birth unless the newborn or infant has been hospitalized since birth; or

(2)  upon referral by the newborn's or infant's primary care physician or other applicable health care provider.

SECTION 3.  Sections 47.007(b) and (h), Health and Safety Code, are amended to read as follows:

(b)  Subject to Section 47.008, a qualified hearing screening provider, hospital, health care provider, physician, audiologist, or intervention specialist shall access the information management, reporting, and tracking system to provide information to the department and may obtain information from the department 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 audiological evaluation required under Section 47.0031(b)(3) [~~47.0031(b)(2)~~];

(3)  infants who receive follow-up care;

(4)  infants identified with hearing loss;

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

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

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

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

(h)  Subject to Section 47.008, a qualified hearing screening provider, hospital, health care provider, physician, audiologist, or intervention specialist may obtain information from the department 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 audiological evaluation required under Section 47.0031(b)(3) [~~47.0031(b)(2)~~];

(3)  infants who receive follow-up care;

(4)  infants identified with hearing loss; and

(5)  infants who are referred for intervention services.

SECTION 4.  Section 47.008(c), Health and Safety Code, is amended to read as follows:

(c)  The executive commissioner by rule shall develop guidelines to protect the confidentiality of patients in accordance with Chapter 159, Occupations Code, and require the written consent of a parent or guardian of a patient before any individually identifying information is provided to the department or the primary statewide resource center established under Section 30.051, Education Code, as set out in this chapter. The department and the primary statewide resource center shall permit a parent or guardian at any time to withdraw information provided to the department or center under this chapter.

SECTION 5.  As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules as necessary to implement the changes in law made by this Act.

SECTION 6.  This Act takes effect September 1, 2019.