

By: Darby

H.B. No. 2255

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the sharing of newborn and infant hearing screening
3 results and the provision of information to parents following a
4 screening.

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

6 SECTION 1. Section 47.0031(b), Health and Safety Code, is
7 amended to read as follows:

8 (b) If a newborn or an infant does not pass the screening in
9 a follow-up hearing screening, the program that performed the
10 follow-up hearing screening on the newborn or infant shall:

11 (1) provide the newborn's or infant's parents with the
12 screening results;

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

17 (3) assist in scheduling a diagnostic audiological
18 evaluation for the newborn or infant, consistent with the most
19 current guidelines in the Joint Committee on Infant Hearing
20 Position Statement, or refer the newborn or infant to a licensed
21 audiologist who provides diagnostic audiological evaluations for
22 newborns or infants that are consistent with the most current
23 guidelines in the Joint Committee on Infant Hearing Position
24 Statement; and

1 (4) [(3)] refer the newborn or infant to early
2 childhood intervention services and the primary statewide resource
3 center established under Section 30.051, Education Code.

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

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

10 (1) the screening results;

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

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

14 (B) available public resources, including:

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

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

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

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

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

26 (1) the parents;

27 (2) the newborn's or infant's attending physician,

1 primary care physician, or other applicable health care provider;

2 [~~and~~]

3 (3) the department; and

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

6 (d) The department may coordinate the diagnostic
7 audiological evaluation required under Section 47.0031(b)(3)
8 [~~47.0031(b)(2)~~]. A diagnostic audiological evaluation must be
9 completed on the newborn or infant:

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

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

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

17 (b) Subject to Section 47.008, a qualified hearing
18 screening provider, hospital, health care provider, physician,
19 audiologist, or intervention specialist shall access the
20 information management, reporting, and tracking system to provide
21 information to the department and may obtain information from the
22 department relating to:

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

25 (2) the results of each diagnostic audiological
26 evaluation required under Section 47.0031(b)(3) [~~47.0031(b)(2)~~];

27 (3) infants who receive follow-up care;

1 (4) infants identified with hearing loss;
2 (5) infants who are referred for intervention
3 services; and

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

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

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

10 (h) Subject to Section 47.008, a qualified hearing
11 screening provider, hospital, health care provider, physician,
12 audiologist, or intervention specialist may obtain information
13 from the department relating to:

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

16 (2) the results of each diagnostic audiological
17 evaluation required under Section 47.0031(b)(3) [~~47.0031(b)(2)~~];

18 (3) infants who receive follow-up care;

19 (4) infants identified with hearing loss; and

20 (5) infants who are referred for intervention
21 services.

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

24 (c) The executive commissioner by rule shall develop
25 guidelines to protect the confidentiality of patients in accordance
26 with Chapter 159, Occupations Code, and require the written consent
27 of a parent or guardian of a patient before any individually

1 identifying information is provided to the department or the
2 primary statewide resource center established under Section
3 30.051, Education Code, as set out in this chapter. The department
4 and the primary statewide resource center shall permit a parent or
5 guardian at any time to withdraw information provided to the
6 department or center under this chapter.

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

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