

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Gibson**

A Bill

ACT 1096 OF 1993
HOUSE BILL 1362

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH A STATEWIDE NEWBORN INFANT HEARING
9 SCREENING PROGRAM IN THE DEPARTMENT OF HEALTH; TO PROVIDE
10 A SYSTEM OF REFERRAL FOR TREATMENT AND FOLLOW-UP; TO
11 REQUIRE HOSPITALS, BIRTHING CENTERS AND LAY MID-WIVES TO
12 PARTICIPATE IN EARLY IDENTIFICATION OF NEWBORNS AT RISK
13 FOR HEARING IMPAIRMENT; AND FOR OTHER PURPOSES."

Subtitle

16 "AN ACT FOR A NEWBORN INFANT HEARING SCREENING PROGRAM."

18 WHEREAS, uncorrected hearing loss during the critical language-learning
19 period can severely limit a child's capability for developing a complete and
20 effective communication system; and

21 WHEREAS, delayed identification also delays instruction in speech and
22 language, auditory training and visual modes of communication, timely
23 counseling, education for families and remedial intervention; and

24 WHEREAS, the cost to provide special education services increases
25 significantly with delayed identification; and

26 WHEREAS, while an estimated point seven percent (0.7%) or two hundred
27 fifty (250) of the approximately thirty-six thousand (36,000) annual births in
28 the state will suffer a permanent hearing impairment, only ten percent (10%)
29 of those are currently being identified for early treatment; and

30 WHEREAS, through early identification and follow-up, children born with
31 hearing impairments can develop effective communication systems which improve
32 their quality of life and increase their potential to become productive
33 citizens;

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35 NOW THEREFORE,

36 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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2 SECTION 1. Purpose. To provide a statewide coordinated early
3 intervention program to identify and follow-up with testing and treatment
4 newborn infants who are at-risk for hearing impairment.

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6 SECTION 2. Definitions. As used herein, unless the text otherwise
7 requires:

8 (1) "Department" means the Arkansas Department of Health.

9 (2) "Newborn infant with hearing impairment" means a newborn infant who
10 has a disorder of the auditory system of any type or degree, causing a hearing
11 impairment sufficient to interfere with the development of language and speech
12 skills.

13 (3) "Newborn infants at risk" means those newborn infants who are at
14 risk for hearing impairment because they have one or more risk factors.

15 (4) "Program" means the Newborn Infant Hearing Screening Program
16 established by this act.

17 (5) "Risk factors" are those criteria or factors, any one of which
18 identifies a newborn infant as being at risk for hearing impairment, as
19 determined by the department and set forth in rules and regulations
20 promulgated by the department.

21 (6) "Screening infants for hearing impairment" means a procedure for
22 employing a device for identifying a disorder of the auditory system, but may
23 not necessarily provide a comprehensive determination of hearing thresholds in
24 the speech range. Such procedure may include Auditory Brainstem Response
25 (ABR) screening or other devices approved by the department.

26 (7) "Screening report" means a report by a facility providing screening
27 for hearing impairment which identifies each newborn infant who has been
28 screened for hearing impairment.

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30 SECTION 3.(a) There is hereby established in the Department of Health a
31 program to be known as the Newborn Infant Hearing Screening Program. Such
32 program shall provide for the early identification and follow-up of newborn
33 infants at risk.

34 (b) The program shall include:

35 (1) Development through the promulgation of rules and regulations

1 of criteria or factors to identify those newborn infants who are at risk for
2 hearing impairment or of developing a progressive hearing impairment;

3 (2) Creation of a Hearing Impairment Registry to include, but not
4 be limited to, the identification of newborn infants at risk for hearing
5 impairment, infants with hearing impairment and infants at risk of developing
6 a progressive hearing impairment;

7 (3) Development of a Hearing Impairment At-Risk Questionnaire.
8 Such instrument shall be provided by the department to hospitals, birthing
9 centers and lay mid-wives for use in the program;

10 (4) Development of appropriate written materials regarding
11 hearing impairment. Such materials shall be provided to hospitals, birthing
12 centers and lay-midwives for their use in the program;

13 (5) Development of a means of establishing contact with parents,
14 guardians and physicians of newborn infants with hearing impairment, of
15 newborn infants at risk and of infants at risk of developing a progressive
16 hearing impairment;

17 (6) Establishment of a telephone hotline to communicate
18 information about hearing impairment, hearing screening, audiological
19 evaluation and other services for infants with hearing impairment;

20 (7) Development of a screening report to be used by all
21 facilities screening infants for hearing impairment to provide information to
22 the department for a tracking system for newborn infants at risk; and

23 (8) A data collection system.
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25 SECTION 4. (a) All hospitals, birthing centers and lay mid-wives shall
26 complete a Hearing Impairment At-Risk Questionnaire for each newborn infant
27 prior to discharge or, in the case of a lay mid-wife, within 72 hours of the
28 birth of the infant. *However, no infant shall be screened for hearing*
29 *impairment whose parent presents a written statement that he objects to the*
30 *screening of his child.* All Hearing Impairment At-Risk Questionnaires shall
31 be completed by a designee of the hospital or birthing center.

32 (b) The hospital, birthing center or lay mid-wife shall forward to the
33 department a copy of all completed questionnaires.

34 (c) The hospital, birthing center or lay mid-wife shall provide the
35 parents or guardians of all newborn infants with written materials provided by

1 the department concerning hearing impairment.

2 (d) The hospital, birthing center or lay mid-wife may elect to provide
3 for the screening of infants for hearing impairment but are not required to do
4 so by this act.

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6 SECTION 5. (a) Any facility screening infants for hearing impairment
7 shall forward test results on a screening report to the department by the
8 fifteenth of the month following the month in which the test was conducted.

9 (b) Any facility screening infants for hearing impairment shall provide
10 information on locations at which medical and audiological follow-up can be
11 obtained by the parents or guardians of infants with hearing impairment.

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13 SECTION 6. The Department of Health, the Department of Education and
14 the Department of Human Services shall work cooperatively and develop a plan
15 to coordinate early educational and rehabilitative services for newborn
16 infants identified as hearing impaired.

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18 SECTION 7. Any person or entity who reports in good faith and without
19 malice, or who in good faith and without malice fails to report, the
20 information required by this act shall have immunity from any liability, civil
21 or criminal, that might be incurred or imposed in any action resulting from
22 such report. Any such person or entity shall have the same immunity with
23 respect to participation in any judicial proceeding resulting from such
24 report.

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26 SECTION 8. All provisions of this act of a general and permanent
27 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
28 Code Revision Commission shall incorporate the same in the Code.

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30 SECTION 9. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

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1 SECTION 10. All laws and parts of laws in conflict with this act are
2 hereby repealed.

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/s/Bynum Gibson

APPROVED: 04/13/93

As Engrossed: 3/5/93

HB 1362

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