

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

A Bill

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;

34
35 NOW THEREFORE,

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

2

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

6

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

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

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

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

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

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

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

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

30

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

35 (b) The program shall include:

1 (1) Development through the promulgation of rules and regulations
2 of criteria or factors to identify those newborn infants who are at risk for
3 hearing impairment or of developing a progressive hearing impairment;

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

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

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

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

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

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

24 (8) A data collection system.

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

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

35 (c) The hospital, birthing center or lay mid-wife shall provide the

1 parents or guardians of all newborn infants with written materials provided by
2 the department concerning hearing impairment.

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

6

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

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

13

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

18

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

26

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

30

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

1

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

4

5

/s/Bynum Gibson