

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: S3/19/99 S4/1/99*

## A Bill

Act 1559 of 1999  
SENATE BILL 819

5 By: Senator Bradford  
6  
7

### For An Act To Be Entitled

9 "AN ACT TO ESTABLISH THE UNIVERSAL NEWBORN/INFANT  
10 HEARING SCREENING, TRACKING, AND INTERVENTION PROGRAM  
11 AND ADVISORY BOARD; TO ENSURE EARLY DETECTION OF  
12 HEARING LOSS FOR ALL NEWBORN/INFANT CHILDREN IN  
13 ARKANSAS; AND FOR OTHER PURPOSES."  
14

### Subtitle

15 "AN ACT TO ESTABLISH THE UNIVERSAL  
16 NEWBORN HEARING SCREENING, TRACKING, AND  
17 INTERVENTION PROGRAM AND ADVISORY BOARD."  
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19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. The purpose of this act is:

24 (1) To provide early detection of hearing loss by physiological  
25 measurement in newborn children at the birthing facility or as soon after  
26 birth as possible, to enable these children and their families and care-givers  
27 to obtain needed multi-disciplinary evaluation, treatment, and intervention  
28 services at the earliest opportunity; and to prevent or mitigate the  
29 developmental delays and academic failures associated with late identification  
30 of hearing loss; and

31 (2) To provide the state with the information necessary to effectively  
32 plan, establish, and evaluate a comprehensive system of appropriate services  
33 for newborns and infants who have a hearing loss or are deaf.  
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35 SECTION 2. As used in this act:

36 (1) "Birth admission" means the time after birth that the newborn

1 remains in the hospital nursery prior to discharge;

2 (2) "Birthing hospital" means any hospital located within the state of  
3 Arkansas that delivers newborns;

4 (3) "Board" means the Universal Newborn Hearing Screening, Tracking,  
5 and Intervention Advisory Board;

6 (4) "Department" means the Department of Health;

7 (5) "Director" means the Director of the Department of Health;

8 (6) "Follow-up care" and "Follow-up screening" means the follow-up  
9 services provided by a licensed audiologist to diagnose a hearing loss;

10 (7) "Hearing loss" means an impairment that is a dysfunction of the  
11 auditory system of any type or degree sufficient to interfere with acquisition  
12 and development of speech and language skills;

13 (8) "Hearing screening" means a bilateral physiological measurement of  
14 hearing on a newborn or infant;

15 (9) "Infants" means a child thirty (30) days to twelve (12) months;

16 (10) "Intervention" means amplification by a licensed audiologist as  
17 required and early intervention services described in Part H of the  
18 Individuals with Disabilities Education Act as in effect January 1, 1999;

19 (11) "Newborn" means a child up to twenty-nine (29) days old;

20 (12) "Parent" means a natural parent, stepparent, adoptive parent,  
21 legal guardian, or other legal custodian of a child;

22 (13) "Program" means the Universal Newborn Infant Hearing Screening,  
23 Tracking, and Intervention Program; and

24 (14) "Provider" means an audiologist licensed by the State of Arkansas  
25 who administers initial newborn/infant hearing screenings upon referral from a  
26 hospital or physician or follow-up screenings outside of the hospital setting.

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28 SECTION 3. (a) There is created the Universal Newborn Hearing  
29 Screening, Tracking, and Intervention Advisory Board;

30 (b) The board shall be composed of seven (7) members, appointed by the  
31 Governor, with recommendation from the Arkansas Speech-Language-Hearing  
32 Association from the following professions or groups:

33 (1) One (1) audiologist;

34 (2) One (1) audiologist from the Department of Health;

35 (3) One (1) audiologist from Arkansas Children's Hospital;

36 (4) One (1) speech-language pathologist;

1 (5) One (1) pediatrician/neonatologist or ENT physician;

2 (6) One (1) adult who is deaf or hard of hearing to represent  
3 consumer organizations for deaf and hard of hearing persons; and

4 (7) One (1) consumer of services who is a parent of a child or  
5 children with hearing loss;

6 (c)(1) Members shall be appointed for three-year staggered terms, to be  
7 assigned by lot.

8 (2)(A) The terms of four (4) of the original members shall expire  
9 on January 14, 2001.

10 (B) The terms of three (3) of the original members shall  
11 expire on January 14, 2002.

12 (3) The terms shall commence on January 15 of each year.

13 (d) The board shall annually select by majority vote one (1) of its  
14 members to serve as a chairperson and one (1) to serve as vice chairperson.

15 (e) The Governor may remove any member of the examining body for  
16 misconduct, incompetency, or neglect of duty, or for any malfeasance in  
17 office.

18 (f) The board shall act by majority vote, and as required by this  
19 state's Administrative Procedure Act.

20 (g) The board shall have the authority to recommend rules and  
21 regulations to implement this act; the department shall promulgate these rules  
22 and regulations by July 1, 2000.

23 (h)(1) The board shall hold its first meeting within thirty (30) days  
24 of the effective date of this act at a place designated by the department.

25 (2) Subsequent meetings will be held quarterly, at the call of  
26 the chairperson or as often as necessary to make recommendations to the  
27 department so that the rules and regulations implementing this act can be  
28 promulgated by July 1, 2000.

29 (3) The board shall complete an annual report for the Joint  
30 Interim Committee of Public Health, Labor and Welfare which provides  
31 information such as, but not limited to, the number of hospitals in compliance  
32 with the act, the number of hearing impaired infants identified and the  
33 availability of follow-up services.

34 (i) The department shall provide administrative support services  
35 required by the board.

36 (j) Members of the board shall not be entitled to compensation for

1 their services but may receive expense reimbursement and a stipend in  
2 accordance with Arkansas Code 25-16-902.

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4 SECTION 4. (a) After the effective date of this act and promulgation of  
5 rules and regulations, every birthing hospital in this state with more than  
6 fifty (50) births per year shall provide or arrange for a bilateral  
7 physiological hearing screening on each birth admission. Medicaid shall  
8 reimburse the birthing hospital for the physiological screening the  
9 reimbursement equal to that amount paid outpatient providers for the same  
10 service in addition to the current rate of per diem paid to the hospital.

11 (b) Any birthing hospital, provider or physician administering initial  
12 hearing screenings to newborns and infants shall forward test results on a  
13 screening report to the department by the fifteenth (15<sup>th</sup>) day of the month  
14 following the month in which the test was conducted.

15 (c) Any birthing hospital, provider or physician screening newborns and  
16 infants shall provide information on locations at which medical and  
17 audiological follow-up care and follow-up screening can be obtained by the  
18 parents or guardians of the newborn and infant.

19 (d) All providers or physicians completing follow-up screening or  
20 follow-up care for hearing impairment shall forward test results on a  
21 screening report to the department by the fifteenth (15<sup>th</sup>) day of the month  
22 following the month in which the test was conducted.

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24 SECTION 5. No test is be performed if the parent of a newborn/infant  
25 dissents on the ground that the test conflicts with personal religious belief  
26 or practice.

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28 SECTION 6. All provisions of this act of a general and permanent nature  
29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
30 Revision Commission shall incorporate the same in the Code.

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32 SECTION 7. If any provision of this act or the application thereof to  
33 any person or circumstance is held invalid, such invalidity shall not affect  
34 other provisions or applications of the act which can be given effect without  
35 the invalid provision or application, and to this end the provisions of this  
36 act are declared to be severable.

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2           SECTION 8. All laws and parts of laws in conflict with this act are  
3 hereby repealed.

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*/s/ Bradfor*

*APPROVED: 4/15/1999d*