

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

HOUSE BILL 1495

5 By: Representatives Carroll, Adcock, J. Roebuck, Stewart, Webb  
6 By: Senators Elliott, P. Malone  
7

## For An Act To Be Entitled

10 AN ACT ESTABLISHING THE SOUNDSTART PROGRAM OF  
11 COORDINATED SERVICES TO FACILITATE AND UNITE  
12 DIAGNOSTIC, INTERVENTION, AND TRANSITIONAL  
13 EFFORTS AIMED AT IMPROVING OUTCOMES FOR INFANTS  
14 AND CHILDREN WITH PERMANENT HEARING LOSS,  
15 INCLUDING FAMILY SUPPORT AND OTHER RESOURCES FOR  
16 FAMILIES ; AND FOR OTHER PURPOSES.

## Subtitle

18 TO ESTABLISH A PROGRAM OF COORDINATED  
19 SERVICES TO FACILITATE AND UNITE  
20 DIAGNOSTIC, INTERVENTION, AND TRANSITION  
21 EFFORTS TO HELP INFANTS AND CHILDREN  
22 WITH PERMANENT HEARING LOSS.  
23  
24  
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code Title 20, Chapter 15 is amended to add an  
29 additional subchapter to read as follows:

30 20-15-1901. Title.

31 This subchapter shall be known and may be cited as the "SoundstART  
32 Act".  
33

34 20-15-1902. Findings -- Purpose.

35 (a) The General Assembly finds that:

36 (1) Early intervention in newborns, infants, and children who



1 are deaf or hard of hearing is highly effective in facilitating a child's  
 2 healthy development in a manner consistent with the child's age and cognitive  
 3 ability;

4 (2)(A) Universal newborn hearing screening is recognized as the  
 5 standard of care for all newborns before discharge from a hospital or  
 6 birthing center.

7 (B) However, linkages between hearing screening programs  
 8 and early intervention programs are not consistently established due to lack  
 9 of effective or underused state tracking and monitoring systems, or both;

10 (3) Nationally, almost fifty-two percent (52%) of infants who do  
 11 not pass the newborn hearing screening become lost to follow-up care or  
 12 documentation for a variety of reasons, including without limitation:

13 (A) Lack of effective state early hearing detection  
 14 intervention surveillance and tracking systems;

15 (B) Inadequate reporting to these systems by providers;  
 16 and

17 (C) Poor communication among state agencies;

18 (4) Children who are identified early and enrolled in  
 19 appropriate early intervention services by six (6) months of age are more  
 20 likely to demonstrate age-appropriate language development, spoken or signed,  
 21 cognitive, social, and academic outcomes;

22 (5) Any degree of hearing loss in one or both ears, if left  
 23 undetected, can negatively impact a child's speech, language, cognitive, or  
 24 social development, or any combination of negative impacts on a child's  
 25 developmental processes;

26 (6) Information regarding hearing loss and intervention  
 27 opportunities should be communicated to families by qualified early  
 28 intervention professionals in a culturally competent, language-appropriate,  
 29 unbiased, and easily understandable format to allow for informed decision-  
 30 making;

31 (7) Research shows that by the time a child who is deaf or hard  
 32 of hearing graduates from high school, more than four hundred thousand  
 33 dollars (\$400,000) per child could be saved in special education costs if the  
 34 child is identified early and given appropriate medical, audiological,  
 35 educational, vocational, and family support services; and

36 (8) The savings in special education costs could pay many times

1 over for universal newborn hearing screening and subsequent intervention, and  
 2 transition.

3 (b) The purpose of this subchapter is to:

4 (1) Establish the SoundstART as the single point of entry to  
 5 effectively plan, establish, and evaluate a seamless system of appropriate  
 6 services for newborns, infants, and children from birth through age five (5)  
 7 years of age who are at risk of hearing loss, have a hearing loss, or are  
 8 deaf;

9 (2) Connect all stakeholders involved in the screening,  
 10 identification, treatment, and transition of children who are deaf or hard of  
 11 hearing through shared information thereby ensuring prompt and effective  
 12 referral, evaluation, communication, and ongoing developmental support for  
 13 newborns, infants, and children identified with hearing loss and for their  
 14 families;

15 (3) Coordinate shared consent forms from parents or guardians as  
 16 necessary to ensure that the implementation of timely follow-up and provision  
 17 of services is not impeded by confidentiality requirements;

18 (4) Provide timely access to appropriate family-centered  
 19 intervention and interagency transition services for newborns, infants, and  
 20 children with confirmed hearing loss;

21 (5) Provide families and caregivers with culturally competent  
 22 family support programs and access to unbiased information regarding  
 23 opportunities for intervention, treatment, and education;

24 (6) Work with all state and federally mandated programs to  
 25 develop and monitor the efficacy of screening, diagnostic, intervention,  
 26 treatment, and transition services under the Individuals with Disabilities  
 27 Education Act, 20 USC §§ 1431-1445; and

28 (7) Develop written documentation for sharing information among  
 29 participating programs, ensuring timely and appropriate services consistent  
 30 with the family's choice and family-focused initiatives across the childhood  
 31 lifespan from birth through twenty-one (21) years of age.

32  
 33 20-15-1903. Definitions.

34 As used in this subchapter:

35 (1) "Child" means a child twenty-four months (24) months to nine  
 36 (9) years of age;

1           (2) "Early intervention" means the early intervention services  
 2 described in the Individuals with Disabilities Education Act, 20 U.S.C. §§  
 3 1431-1445;

4           (3) "Family" means a birth parent, stepparent, adoptive parent,  
 5 legal guardian, or other legal custodian of a newborn, infant, or child;

6           (4) "Family-centered" means the beliefs, values, and practices  
 7 that emphasize the essential role of the family in all aspects of the  
 8 decision-making and intervention process regarding the young child;

9           (5) "Follow-up care" means necessary hearing and medical  
 10 services for the diagnosis and management of newborn, infant, or child  
 11 hearing loss;

12           (6) "Hearing loss" means a hearing loss of twenty-five decibels  
 13 hearing loss (25 dB HL) or greater in the frequency region important for  
 14 speech recognition and comprehension in one (1) or both ears, approximately  
 15 five hundred hertz (500 Hz) through four thousand hertz (4000 Hz);.

16           (7) "Infant" means a child thirty (30) days to twenty-four (24)  
 17 months years of age;

18           (8) "Newborn" means a child from birth to twenty-nine (29) days  
 19 of age; and

20           (9) "SoundstARt" means the establishment of an overriding agency  
 21 providing coordination and a sense of unity throughout the state to multiple  
 22 state and nonprofit agencies funded by state and government dollars and  
 23 giving Arkansas children who are at risk for or who have been identified with  
 24 a hearing loss in one (1) or both ears of any degree qualifying them as deaf  
 25 or hard of hearing the chance to be contributing members of society who are  
 26 self-sufficient, tax-paying members of society.

27  
 28           20-15-1904. SoundstARt -- Created -- Program.

29           (a) There is created SoundstARt as an independent agency of the  
 30 executive branch of state government.

31           (b) Services for children at risk for or with a primary diagnosis of  
 32 hearing loss shall be referred to and managed by "SoundstARt" for the  
 33 purpose of providing a seamless system of coordinated services for infants  
 34 and children and their families.

35           (c) SoundstARt shall facilitate hearing screening follow-up services,  
 36 support families through the process of identification and diagnosis, and

1 coordinate family support systems and services, including without limitation:

2 (1) Existing communities;

3 (2) Parent advisors;

4 (3) Parent-to-parent support;

5 (4) Professional-to-parent support;

6 (5) Deaf and hard of hearing role models; and

7 (6) Family-centered communication intervention services provided  
 8 by qualified service providers with specialized training in working with  
 9 children who are deaf or hard of hearing and their families.

10 (d)(1) The program created in this subchapter shall provide a seamless  
 11 system with one (1) point of entry that supports children with hearing loss  
 12 and their families enabling them to move efficiently from diagnosis to  
 13 intervention facilitating transition into the educational process.

14 (2) The program created in this subchapter shall be:

15 (A) Consistent with the child's needs and the family's  
 16 goals and preferences; and

17 (B) Provided in a seamless system of care and an  
 18 unambiguous manner to ensure informed decision-making.

19 (e) The goals of the program created in this subchapter are to:

20 (1) Establish SoundstART as the single point of entry to the  
 21 early intervention process for Arkansas families of infants and preschoolers  
 22 diagnosed with hearing loss;

23 (2) Serve as a central resource for information regarding early  
 24 intervention and the transition to education for families of children with  
 25 hearing loss;

26 (3) Develop a self-sustaining organization supporting families  
 27 through culturally sensitive practices recognizing family choice;

28 (4) Facilitate collaboration and reduce barriers among service  
 29 providers, stakeholders, and families involved in the early intervention  
 30 process; and

31 (5) Provide impartial access to information supporting sound  
 32 decision-making practices regarding technology, communication, and  
 33 educational process.

34  
 35 20-15-1905. SoundstART Intervention and Transition Coordinator.

36 (a) The program created in this subchapter shall be staffed by the

1 SoundstART Intervention and Transition Coordinator.

2 (b) The coordinator shall:

3 (1) Respond to referrals and requests for services consistent  
 4 with state and federal guidelines;

5 (2) Identify, support, promote, and recommend culturally  
 6 appropriate and evidence-based practices for children who are deaf or hard of  
 7 hearing;

8 (3) Promote training, outreach, and use of technology aimed at  
 9 increasing consistency in statewide service provision of assistance for  
 10 children birth through five (5) years of age who are deaf or hard of hearing  
 11 with the long-term goal of improving educational outcomes, thus improving  
 12 integration into the work force;

13 (4) Facilitate the use of culturally appropriate, specialized,  
 14 reliable, and valid instruments to assess and track the progress of children  
 15 birth through five (5) years of age;

16 (5) Ensure that providers, parents, and members of the  
 17 individual family service plan team and individualized education plan team  
 18 are provided with child progress data birth through five (5) years of age  
 19 resulting from specialized assessments to develop and to modify service plans  
 20 as indicated; and

21 (6) Facilitate the collection of aggregate data regarding  
 22 school readiness and other outcomes as appropriate for children birth through  
 23 five (5) years of age who are deaf or heard of hearing.

24 (c) The coordinator shall function under the direction of the  
 25 SoundstART Council of Directors.

26  
 27 20-15-1906. SoundstART Council of Directors.

28 (a) There is created the SoundstART Council of Directors that shall  
 29 consist of:

30 (1) The Director of Maternal and Child Health of the Department  
 31 of Health or his or her designee;

32 (2) The Director of the Part C Section of the Department of  
 33 Human Services or his or her designee;

34 (3) The Associate Director of Special Education at the Arkansas  
 35 Department of Education or his or her designee;

36 (4) The Executive Director of Disability Rights Center or his or

1 her designee;

2 (5) The Superintendent of the Arkansas School for the Deaf or  
3 his or her designee;

4 (6) The Director of the Audiology and Speech Pathology  
5 Department of Arkansas Children’s Hospital or his or her designee;

6 (7) The Chair of the Department of Audiology and Speech  
7 Pathology in the College of Health Related Professions at the University of  
8 Arkansas for Medical Sciences or his or her designee;

9 (8) Two (2) parents of children who are deaf or hard of hearing  
10 representing Arkansas Hands and Voices or a comparable support group; and

11 (9) The President of the Arkansas Academy of Pediatrics,  
12 Arkansas Chapter or his or her designee.

13 (b) Additional council members may be recruited at the discretion of  
14 the council.

15  
16 20-15-1907. Parent-to-parent support network.

17 (a) SoundstART shall:

18 (1) Provide families with unbiased information in a family-  
19 centered, culturally competent manner through trained parent-to-parent  
20 support; and

21 (2) Offer families the full range of intervention and transition  
22 options available to children who are deaf or hard of hearing from birth  
23 through five (5) years of age.

24 (b) The support provided under this section shall include without  
25 limitation:

26 (1) Direct parent-to-parent assistance; and

27 (2) Information on communication, educational, medical ,and  
28 transition options.

29 (c) SoundstART may contract with a nonprofit organization that can  
30 provide throughout the state the services required under this section.

31  
32 20-15-1908. Hearing Instrument and Technology Loaner Bank.

33 (a) As used in this section, "eligible child" means a child from birth  
34 through five (5) years of age with documentation of confirmed diagnosis of  
35 hearing loss from a referring audiologist and no immediate access or  
36 financial means, or both, to obtain hearing aids or other assistance

1 technology.

2 (b)(1) SoundstART shall establish a Hearing Instrument and Technology  
3 Loaner Bank to lend hearing aids and other assistance technology on a  
4 temporary basis to the family of an eligible child.

5 (2) SoundstART may arrange trial periods to assist in the  
6 selection of appropriate technology.

7  
8 20-15-1909. Rules

9 (a) The SoundstART Council of Directors shall adopts rules as  
10 necessary to implement this subchapter.

11 (b) The rules adopted under this subchapter may include a modification  
12 of the definition of "hearing loss" to allow for the detection of hearing  
13 loss of less than twenty-five deciles of hearing loss (25dB HL).