

## **BILL ANALYSIS**

Senate Research Center

H.B. 714  
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Health Services  
5/14/1999  
Committee Report (Amended)

### **DIGEST**

Current law requires newborns in this state to be blood-screened for a variety of conditions. However, the law does not require the screening of newborns for congenital loss of hearing. Lack of early detection of hearing loss has social and financial impacts on individuals, families, and this state. H.B. 714 requires that a screening test for hearing loss be administered to newborns and children, and establishes a newborn hearing, tracking, and screening program. This bill also requires a state medical assistance program or a private hospital benefit plan to provide coverage for the screening test, as appropriate.

### **PURPOSE**

As proposed, H.B. 714 requires that a screening test for hearing loss be administered to newborns and children, and establish a newborn hearing, tracking, and screening program.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Department of Health SECTION 1 (Section 47.006, Health and Safety Code), SECTION 3 (Section 32.024(v), Human Resources Code), the commissioner of insurance in SECTION 4 (Section 4(b), Insurance Code), and the Texas Board of Health in SECTION 7 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 2B, Health and Safety Code, by adding Chapter 47, as follows:

#### **CHAPTER 47. HEARING LOSS IN NEWBORNS**

Sec. 47.001. DEFINITIONS. Defines "birth admission," "birthing facility," "health care provider," "hearing loss," "infant," "intervention or follow-up care," "newborn," "parent," "physician," and "program."

Sec. 47.002. APPLICABILITY OF CHAPTER. Provides that this chapter does not apply to a facility operated by a midwife as defined by Section 1, Texas Midwifery Act.

Sec. 47.003. NEWBORN HEARING SCREENING, TRACKING, AND INTERVENTION PROGRAM. Sets forth requirements for a newborn hearing screening, tracking, and intervention program (program).

Sec. 47.004. CERTIFICATION OF SCREENING PROGRAMS. Requires the Texas Department of Health (department) or the department's designee to establish certification criteria for the implementation of the program. Requires the program to take certain actions, in order to be certified. Authorizes the department to certify a program that meets and maintains the certification criteria. Authorizes the department to renew the certification of a program on a periodic basis as established by the Texas Board of Health (board) rule in order to ensure quality services. Prohibits a fee from being charged to certify or recertify a program.

Sec. 47.005 INFORMATION CONCERNING SCREENING RESULTS AND FOLLOW-UP CARE. Sets forth requirements for screening results and follow-up care.

Sec. 47.006. TECHNICAL ASSISTANCE BY DEPARTMENT. Authorizes the department to consult with a birthing facility and provide to the facility technical assistance associated with the

implementation of a certified program.

Sec. 47.007. INFORMATION MANAGEMENT, REPORTING, AND TRACKING SYSTEM. Requires the department to provide each birthing facility that provides newborn hearing screening with the appropriate information management, reporting, and tracking software for the program. Sets forth requirements for the information management, reporting, and tracking system (system). Authorizes certain persons to access the system to provide certain information where available to the department. Requires the department to ensure that the written consent of a parent is obtained before a newborn is included in the system.

Sec. 47.008. CONFIDENTIALITY AND GENERAL ACCESS TO DATA. Sets forth certain requirements for the confidentiality and general access to data. Require the department to develop guidelines, by rule to protect the confidentiality of patients. Require the department to permit a parent or guardian at any time to withdraw information provided to the department under this chapter.

Sec. 47.009. IMMUNITY FROM LIABILITY. Provides that certain persons and entities are not criminally or civilly liable for furnishing information in good faith to the department or its designee as required by this chapter. Provides that this section does not apply to information gathered and furnished after a parent of a newborn or infant declined screening offered through a program.

SECTION 2. Amends Section 36.004, Health and Safety Code, by adding Subsection (i), to provide that a hearing and screening test performed under Chapter 47.

SECTION 3. Amends Section 32.024, Human Resources Code, by adding Subsection (v), to require the department, by rule, to provide a screening test for hearing loss in accordance with Chapter 47, Health and Safety Code, and any necessary diagnostic follow-up care related to a the screening test to child younger than 30 days old who receives medical assistance.

SECTION 4. Amends Article 21.53F, Insurance Code, is amended by amending Sections 3 and 4 and adding Sections 5, 6, and 7, as follows:

Sec. 3. REQUIRED BENEFIT FOR CHILDHOOD IMMUNIZATIONS. Requires a health benefit plan that provides benefits for a family member of the insured to provide coverage for each covered child described by Section 5 of this article, rather than Subsection (b) o f this section.

Sec. 4. REQUIRED BENEFITS FOR SCREENING TEST FOR HEARING IMPAIRMENT. Sets forth required benefits for a screening test for hearing impairments. Authorizes the commissioner of insurance to adopt rules to implement the requirements to this section. Set forth the health benefit plans to which this section applies.

Sec. 5. New heading: COVERED CHILDREN. Provides the a child is entitled to benefits under this article, rather than section.

Sec. 6. New heading: APPLICATION OF DEDUCTIBLE COPAYMENT, OR COINSURANCE REQUIREMENT. Authorizes benefits required under Section 4 of this article to be subject to copayment and coinsurance requirements, but may not be subject to a deductible requirement of dollar limit. Requires the requirements of this section to be stated in the coverage document.

Sec. 7. RULES. Authorizes the commissioner of insurance to adopt rules as necessary to implement this article.

SECTION 5. Amends the heading of Article 21.53F, Insurance Code, as follows:

Art. 21.53F. New heading: COVERAGE FOR CERTAIN BENEFITS FOR CHILDREN

SECTION 6. (a) Effective date: September 1, 1999.

(b) Requires certain birthing facilities to offer newborn hearing screening during admission a provided by Section 47.003, Health and Safety Code, as added by this Act, not later than May 1,

2000.

(c) Requires certain birthing facilities to offer hearing screening during birth admission in accordance with Section 47.003, Health and Safety Code, as added by this Act Not later than April 1, 2001.

SECTION 7. Requires the board to adopt certain rules not later than December 1, 1999.

SECTION 8. Requires the Health and Human Services Commission (commission) and certain appropriate health and human services agency to adopt certain rules no late than January 1, 2000. Requires the commission to request a waiver or authorization from a federal agency if needed.

SECTION 9. Provides that the change in law made by SECTION 4 of this Act applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2000.

SECTION 10. Provides that this Act takes effect only if a specific appropriation for the implementation of the Act is provided in H.B. No. 1 (General Appropriations Act), Acts of the 76th Legislature, Regular Session, 1999. Provides that if no specific appropriations is provided in H.B. No. 1, the General Appropriations Act, this Act has no effect.

SECTION 11. Emergency clause.