

BILL ANALYSIS

Senate Research Center

S.B. 458
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Health Services
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As Filed

DIGEST

Currently, Texas law does not provide screening, tracking, and intervention programs for possible hearing loss in newborns and infants. Hearing loss occurs in newborns more frequently than any other health condition for which newborn screening is currently required. Early detection in hearing loss in children and early intervention and treatment before six months, of age has been demonstrated to be highly effective in facilitating a child's healthy development in a manner consistent with the child's age and cognitive ability. S.B. 458 would create a newborn and infant hearing screening, tracking, and intervention program.

PURPOSE

As proposed, S.B. 458 creates a newborn and infant hearing screening, tracking, and intervention program.

RULEMAKING AUTHORITY

Rulemaking Authority is granted to the commissioner of insurance in SECTION 1 (Section 47.007, Chapter 47, Title 2B, Health and Safety Code) 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 AND INFANTS

Sec. 47.001. PURPOSES. Sets forth the purposes of this chapter.

Sec. 47.002. DEFINITIONS. Defines "birth admission," "health insurance policy," "hearing loss," "infant," "intervention or follow-up care," "newborn," "parent," and "program."

Sec. 47.003. NEWBORN AND INFANT HEARING SCREENING, TRACKING, AND INTERVENTION PROGRAM. Requires a birthing hospital, through a newborn and infant hearing screening, tracking, and intervention program (program) certified by the Texas Department of Health (department), to offer the parents of a newborn a hearing screening for the newborn for the identification of hearing loss. Requires the screening to be offered during the birth admission. Requires the department or its designee to approve program protocols. Requires the department to begin its implementation phase on September 1, 1999, for birthing hospitals with 1,000 births or more per year. Requires all birthing hospitals to offer the hearing screening (screening) during the birth admission by April 1, 2001. Requires the department to maintain data and information on all newborns and infants who receive services under a program. Requires the department to ensure that appropriate follow-up care is available to families throughout the state, including diagnostic evaluation and referral to intervention service programs for all newborns and infants who require follow-up services. Provides that children identified as having hearing loss will be managed by existing state programs, as required by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

Sec. 47.004. CERTIFICATION OF BIRTHING HOSPITALS. Requires the department or its designee to establish certification criteria that a birthing hospital must meet in implementing a program. Provides that in order to be certified the birthing hospital must meet certain criteria. Requires the department to designate birthing hospitals that meet and maintain certification criteria as qualified screening providers. Requires the department to recertify birthing hospitals as qualified

screening providers on a periodic basis in order to assure quality services to newborns, infants, and families.

Sec. 47.005. INFORMATION CONCERNING SCREENING RESULTS AND FOLLOW-UP CARE. Requires a birthing hospital to prepare for the parents of all newborns and infants who are screened written information on the screening results and the necessary steps for follow-up care.

Sec. 47.006. INSURANCE COVERAGE. Requires a health insurance policy that is delivered, issued for delivery, renewed, extended, or modified in this state by a health care insurer to provide coverage for an initial screening and for necessary diagnostic follow-up care related to the screening. Requires the policy to be deemed to be delivered in this state within the meaning of this chapter regardless of whether the health care insurer issuing or delivering the policy is located within or outside this state, if the health insurance policy provides coverage or benefits to a resident of this state. Requires benefits for a screening test and any necessary audiological follow-up care to be subjected to copayment and coinsurance provisions of a health insurance policy to the extent that other medical services covered by the policy are subject to those provisions, except that benefits for the screening test are to be exempt from deductible or dollar-limit provisions in the health insurance policy. Requires the exemption to be explicitly provided for in the policy. Prohibits this section from being construed to require a health insurance policy to include coverage for a screening test for an individual who is a resident of this state if the individual is employed outside this state and the individual's employer maintains a health insurance policy for the individual as an employment benefit.

Sec. 47.007. RULES. Requires the commissioner of insurance to adopt rules necessary for the implementation of this chapter. Authorizes the commissioner of insurance to consult with the commissioner of health and other appropriate entities in adopting rules under this section.

Sec. 47.008. TECHNICAL ASSISTANCE BY DEPARTMENT. Requires the department to establish the infrastructure to provide technical assistance and consultation to birthing hospitals with regard to preimplementation and implementation planning, information management, ongoing program performance, and follow-up services.

Sec. 47.009. INFORMATION MANAGEMENT, REPORTING, AND TRACKING SYSTEM. Requires the department to provide all birthing hospitals with the appropriate information management, reporting, and tracking software for the program. Requires the information management, reporting, and tracking system (system) to be capable of providing the department with information and data necessary to plan, monitor and evaluate the program, including the program's screening, follow-up, diagnostic, and intervention components. Requires all qualified screening providers, hospitals, audiologists, and intervention specialists, as specified by the department, to have access to the system to provide certain information to the department.

Sec. 47.010. CONFIDENTIALITY AND GENERAL ACCESS TO DATA. Requires the system required by this chapter to meet confidentiality requirements in accordance with required state and federal privacy guidelines. Provides that data obtained through the system are for the confidential use of the department.

Sec. 47.011. IMMUNITY FROM LIABILITY. Prohibits any employee of the health facility from being criminally or civilly liable for furnishing information to the department or its designee pursuant to the requirements for this chapter.

SECTION 2. Effective date: September 1, 1999.

Makes application of this Act prospective to January 1, 2000.

SECTION 3. Emergency clause.