

## **BILL ANALYSIS**

Senate Research Center  
76R14609 CMR-D

C.S.S.B. 458  
By: Moncrief  
Health Services  
5/6/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, Texas law does not provide screening, tracking, and intervention programs for possible hearing loss in newborns. 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. C.S.S.B. 458 would create a newborn hearing screening, tracking, and intervention program.

### **PURPOSE**

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

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Board of Health in SECTION 1 (Section 47.003(d), Health and Safety Code); Texas Department of Health in SECTION 7 (Section 32.024(v), Human Resources Code); and the commissioner of insurance in SECTION 5 (Sections 4(b) and 7, Article 21.53F, Insurance 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. DEFINITIONS. Defines "birthing facility," "health care provider," "hearing loss," "infant," "birth admission," "newborn," "parent," "physician," and "program."

Sec. 47.002. NEWBORN HEARING SCREENING, TRACKING, AND INTERVENTION PROGRAM. Authorizes a birthing facility, through a program certified by the Texas Department of Health (department) under Section 47.003, 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. Authorizes the department or the department's designee to approve program protocols. Authorizes the department to maintain data and information on each newborn who receives services under a program. Requires the department to ensure that intervention is available to families for a newborn identified as having hearing loss and that the intervention is managed by state programs operating under 20 U.S.C. Section 1400 et seq. (Individuals with Disabilities Education Act). Requires the department to ensure that the intervention is available for a newborn with hearing loss through the time the child is an infant.

Sec. 47.003. CERTIFICATION OF SCREENING PROGRAMS. Requires the department or its designee to establish certification criteria for implementing a program. Sets forth requirements for the criteria. Authorizes the department to certify a program on a periodic basis, as established by rule of the Texas Board of Health, in order to ensure quality services to newborns and families. Prohibits a fee from being charged to certify or recertify a program.

Sec. 47.004. INFORMATION CONCERNING SCREENING RESULTS AND FOLLOW-UP CARE. Requires a birthing facility to distribute to the parents of each newborn who is screened education materials that are standardized by the department regarding screening results and follow-

up care. Requires the facility to report the results to the parents, the attending physician, and, if required, the department. Provides that infant care should be directed and coordinated by the physician or health care provider, with support from ancillary services.

Sec. 47.005. TECHNICAL ASSISTANCE BY DEPARTMENT. Authorizes the department to consult with a birthing facility that operates a program and provide to the facility technical assistance associated with the implementation of the program.

Sec. 47.006. INFORMATION MANAGEMENT, REPORTING, AND TRACKING SYSTEM. Requires the department to provide each birthing facility that provides newborn screening under the program with appropriate information management, reporting, and tracking system 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. Authorizes a qualified hearing screening provider, hospital, audiologist, or intervention specialist to have access to the system to provide certain information to the department.

Sec. 47.007. CONFIDENTIALITY AND GENERAL ACCESS TO DATA. Requires the system provided in accordance with 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. Provides that certain health care providers or their employees are not criminally or civilly liable for furnishing information to the department or its designee in accordance with this chapter.

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

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

SECTION 4. Amends Section 2(b), Article 21.53F, Insurance Code, to provide that this article does not apply to a plan that provides coverage only for hospital expenses or a Civilian Health and Medical Program of the Uniformed Services supplemental policy. Makes conforming changes.

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

Sec. 4. REQUIRED BENEFITS FOR SCREENING TEST FOR HEARING IMPAIRMENT. Requires certain health benefit plans to provide certain coverages for each child covered by Section 5. Authorizes the commissioner of insurance (commissioner) to adopt rules to implement the requirements of this section. Sets forth to whom this section does and does not apply. Makes conforming changes.

Sec. 5. COVERED CHILDREN. Makes conforming changes.

Sec. 6. New heading: APPLICATION OF DEDUCTIBLE, COPAYMENT, OR COINSURANCE REQUIREMENT. Authorizes the benefits to be subject to a deductible requirement or dollar limit. Authorizes the requirements of this subsection to be stated in the coverage document.

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

SECTION 6. Amends the heading to Article 21.53F, Insurance Code, as follows:

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

SECTION 7. Effective date: September 1, 1999.

SECTION 8. Requires the Texas Board of Health to adopt the rules under Section 47.003, Health and Safety Code, by December 1, 1999.

SECTION 9. Requires the Health and Human Services Commission (commission) and each appropriate agency to adopt the rules under Section 32.024(v), Human Resources Code. Requires the commission to request the requisite waiver or authorization from the proper federal agency, until then, the Act may be delayed.

SECTION 10. Makes application of this Act prospective.

SECTION 11. Provides that this Act takes effect only if certain H.B. 1 appropriations are provided for.

SECTION 12. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

#### SECTION 1.

Amends proposed Section 47.002, Chapter 47, Title 2B, Health and Safety Code, to delete the proposed section regarding purposes, and to add definitions for “birth facility,” “health care provider,” and “physician,” and to delete a definition for “health insurance policy.”

Amends the proposed title to Section 47.002, regarding newborn and infant hearing screening, tracking, and intervention program.

Deletes proposed section regarding implementation requirements, insurance coverage, and rules.

#### SECTIONS 2-3.

Adds proposed Section 36.004(i), Health and Safety Code, and Section 32.024(v), Human Resources Code, to provide that a hearing screening is in addition certain other screening performed, and to require the Health and Human Services Commission to adopt certain rules.

Redesignates SECTIONS 2-3 as SECTIONS 7 and 12.

#### SECTIONS 4-6 and 8-11.

Adds proposed SECTIONS 4-6 and 8-11 regarding to whom certain provisions do not apply; required benefits for screening test for hearing impairment; covered children; application of deductible, copayment, or coinsurance requirement; rules; and coverage for certain benefits for children.