

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 270  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Two to three newborns are diagnosed with hearing loss or deafness daily in Texas, making it the most common condition among newborns in the state. If a newborn's hearing is impaired during the initial stages of development, language and learning potential could be severely hindered. Therefore, 100 percent testing for all new newborns in every facility is critical, as is establishing a standard and accountable follow-up method of care.

Under current law, certain birthing facilities, through a program certified by the Texas Department of State Health Services, are required to offer a hearing screening to the parents of a newborn. If a screening test shows abnormal results, follow-up care is directed and coordinated by the newborn's physician or health care provider. However, there is a lack of accountability and coordination to ensure that follow-up care is provided, and a newborn will not always receive the necessary services in a timely manner.

S.B. 270 requires that all birthing facilities perform a hearing screening on each newborn at the facility before discharge. This bill also sets up guidelines for follow-up care and intervention services after a newborn's screening test shows abnormal results.

As proposed, S.B. 270 amends current law relating to newborn hearing screenings.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 7 (Section 47.010, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 47.002, Health and Safety Code, to provide that, except as provided by Section 47.011, this chapter does not apply to a facility operated by a midwife as defined by Section 203.002 (Definitions), Occupations Code. Makes a nonsubstantive change.

SECTION 2. Amends Section 47.003, Health and Safety Code, by amending Subsections (a), (c), and (e) and by adding Subsection (f), as follows:

(a) Requires a birthing facility, through a program certified by the Texas Department of Health (TDH), to perform, rather than to offer the parents of a newborn, a hearing screening on each newborn at the facility for the identification of hearing loss before the newborn is discharged from the facility unless the parent declines the screening for reasons of conscience, including a religious belief. Requires the birth facility to inform the parents during the birth admission that the facility is required by law to screen the newborn for hearing loss, and that the parents may decline the screening for reasons of conscience including a religious belief. Deletes existing text requiring the parents to be informed that information may be provided to TDH upon their written consent.

(c) Requires, rather than authorizes, TDH, subject to Section 47.008 (Confidentiality and General Access to Data), to maintain data and information on each newborn who receives services under a program.

(e) Requires TDH to ensure that the intervention described by Subsection (d) (relating to intervention availability and management) is available for a newborn identified as having hearing loss not later than the sixth month after the newborn's birth and through the time the child is an infant.

(f) Requires an intervention specialist, if a newborn receives intervention services described by Subsection (d), to report the results of the intervention under Section 47.007(b) (relating to accessing the information management, reporting, and tracking system by an intervention specialist).

SECTION 3. Amends Chapter 47, Health and Safety Code, by adding Section 47.0031, as follows:

Sec. 47.0031. SECOND SCREENING. (a) Requires that the program that performed the hearing screening under Section 47.003 (Newborn Hearing Screening, Tracking, and Intervention Program) provide the newborn's parents with the screening results. Requires a birthing facility, through the program, to offer a second hearing screening to the parents of a newborn with abnormal screening results. Requires that the second screening be performed not later than the 30th day after the newborn's birth.

(b) Requires that the program that performed the first hearing screening on the newborn perform the second hearing screening as an outpatient service.

(c) Requires that the program that performed the first and second hearing screenings on the newborn or infant, if a newborn or an infant has abnormal screening results in a second hearing screening, provide the newborn's or infant's parents with the screening results, schedule a diagnostic examination for the newborn or infant, and refer the newborn or infant to early childhood intervention services.

SECTION 4. Amends Section 47.004(b), Health and Safety Code, to require that a program, in order to be certified, be supervised by a physician or an audiologist.

SECTION 5. Amends Section 47.005, Health and Safety Code, by amending Subsections (b) and (c) and by adding Subsection (d), as follows:

(b) Requires that a program report screening results to TDH. Deletes existing text requiring a birthing facility that operates a program to report screening results to the parents and the newborn's attending physician or healthcare provider.

(c) Requires the division responsible for early childhood intervention services at the Department of Assistive and Rehabilitative Services to coordinate the diagnostic examination required under Section 47.0031(c)(2) (referring to scheduling a diagnostic examination for a newborn or infant) and appropriate and necessary follow-up care for the infant. Deletes existing text providing that an infant who needs follow-up care should be directed and coordinated by the infant's physician or health care provider, with support from appropriate ancillary services. Requires that a diagnostic work-up be completed on the infant not later than the third month after the infant's birth unless the infant has been hospitalized since birth.

(d) Requires an audiologist who performs a diagnostic examination under this chapter to report the results of the examination to TDH under Section 47.007(b).

SECTION 6. Amends Section 47.007(b), Health and Safety Code, as follows:

(b) Authorizes a qualified hearing screening provider, hospital, health care provider, physician, audiologist, or intervention specialist to access the information management, reporting, and tracking system to provide information to TDH and obtain information from TDH relating to, in addition to certain other information, the results of each hearing screening performed under Section 47.003(a) or 47.0031(a) and the results of each diagnostic examination required under Section 47.0031(c)(2).

SECTION 7. Amends Chapter 47, Health and Safety Code, by adding Sections 47.010 and 47.011, as follows:

Sec. 47.010. STANDARD OF CARE. Requires that a hearing screening, diagnostic examination, or intervention under this chapter be performed in accordance with the standards of care established by the Joint Committee on Infant Hearing (committee) as those standards existed on January 1, 2011, or later standards of the committee adopted by rule for this purpose by the executive commissioner of the Health and Human Services Commission.

Sec. 47.011. DUTIES OF A MIDWIFE. (a) Defines "midwife" in this section.

(b) Requires a midwife who attends the birth of a newborn to inform the mother of a hearing screening available in accordance with this chapter.

SECTION 8. Effective date: September 1, 2011.