

Withdrawn 4/21/03  
HF 454 substituted

FILED MAR 17 '03

SENATE FILE 407  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 233)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to mandatory newborn and infant hearing  
2 screening.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

SF 407

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

DIVISION XV

UNIVERSAL NEWBORN AND INFANT HEARING SCREENING

Section 1. NEW SECTION. 135.131 UNIVERSAL NEWBORN AND  
INFANT HEARING SCREENING.

1. For the purposes of this section, unless the context  
otherwise requires:

a. "Birth center" means birth center as defined in section  
135.61.

b. "Birthing hospital" means a private or public hospital  
licensed pursuant to chapter 135B that has a licensed  
obstetric unit or is licensed to provide obstetric services.

2. Beginning January 1, 2004, all newborns and infants  
born in this state shall be screened for hearing loss in  
accordance with this section. The person required to perform  
the screening shall use at least one of the following  
procedures:

a. Automated or diagnostic auditory brainstem response.

b. Otoacoustic emissions.

c. Any other technology approved by the department.

3. Beginning January 1, 2004, a birthing hospital shall  
screen every newborn delivered in the hospital for hearing  
loss prior to discharge of the newborn from the birthing  
hospital. A birthing hospital that transfers a newborn for  
acute care prior to completion of the hearing screening shall  
notify the receiving facility of the status of the hearing  
screening. The receiving facility shall be responsible for  
completion of the newborn hearing screening. The birthing  
hospital or other facility completing the hearing screening  
under this subsection shall report the results of the  
screening to the parent or guardian of the newborn and to the  
department in a manner prescribed by rule of the department.

4. Beginning January 1, 2004, a birth center shall refer  
the newborn to a licensed audiologist, physician, or hospital  
for screening for hearing loss prior to discharge of the  
newborn from the birth center. The hearing screening shall be

1 completed within thirty days following discharge of the  
2 newborn. The person completing the hearing screening shall  
3 report the results of the screening to the parent or guardian  
4 of the newborn and to the department in a manner prescribed by  
5 rule of the department.

6 5. Beginning January 1, 2004, if a newborn is delivered in  
7 a location other than a birthing hospital or a birth center,  
8 the physician or other health care professional who undertakes  
9 the pediatric care of the newborn or infant shall ensure that  
10 the hearing screening is performed within three months of the  
11 date of the newborn's or infant's birth. The physician or  
12 other health care professional shall report the results of the  
13 hearing screening to the parent or guardian of the newborn or  
14 infant and to the department in a manner prescribed by rule of  
15 the department.

16 6. A birthing hospital, birth center, physician, or other  
17 health care professional required to report information under  
18 this section shall report all of the following information to  
19 the department relating to a newborn's or infant's hearing  
20 screening, as applicable:

21 a. The name, address, and telephone number, if available,  
22 of the mother of the newborn or infant.

23 b. The primary care provider at the birthing hospital or  
24 birth center for the newborn or infant.

25 c. The results of the hearing screening.

26 d. Any rescreenings and the diagnostic audiological  
27 assessment procedures used.

28 7. The department may share information with agencies and  
29 persons involved with newborn and infant hearing screenings,  
30 follow-up, and intervention services, including the local  
31 birth-to-three coordinator or similar agency, the local area  
32 education agency, and local health care providers. The  
33 department shall adopt rules to protect the confidentiality of  
34 the individuals involved.

35 8. An area education agency with which information is

1 shared pursuant to subsection 7 shall report all of the  
2 following information to the department relating to a  
3 newborn's or infant's hearing, follow-up, and intervention  
4 services, as applicable:

5 a. The name, address, and telephone number, if available,  
6 of the mother of the newborn or infant.

7 b. The results of the hearing screening and any  
8 rescreenings, including the diagnostic audiological assessment  
9 procedures used.

10 c. The nature of any follow-up or other intervention  
11 services provided to the newborn or infant.

12 9. A person who acts in good faith in complying with this  
13 section shall not be civilly or criminally liable for  
14 reporting the information required to be reported by this  
15 section.

16 Sec. 2. NEW SECTION. 135B.18A UNIVERSAL NEWBORN AND  
17 INFANT HEARING SCREENING.

18 Beginning January 1, 2004, a birthing hospital as defined  
19 in section 135.131 shall comply with section 135.131 relating  
20 to universal newborn and infant hearing screening.

21 EXPLANATION

22 This bill requires universal newborn and infant hearing  
23 screening beginning January 1, 2004. The bill defines  
24 "birthing hospital" to mean a licensed private or public  
25 hospital that has a licensed obstetric unit or is licensed to  
26 provide obstetric services. The bill defines "birth center"  
27 as a facility or institution which is not an ambulatory  
28 surgical center or a hospital or in a hospital in which births  
29 are planned to occur following a normal, uncomplicated, low-  
30 risk pregnancy.

31 The bill requires that beginning January 1, 2004, all  
32 newborns and infants born in the state are to be screened for  
33 hearing loss using at least one of the prescribed methods:  
34 automated or diagnostic auditory brainstem response;  
35 otoacoustic emissions; or any other technology approved by the

1 department.

2 The bill requires that beginning January 1, 2004, a  
3 birthing hospital is to screen every newborn delivered in the  
4 hospital for hearing loss prior to discharge of the newborn  
5 from the birthing hospital. A birthing hospital that  
6 transfers a newborn for acute care prior to completion of the  
7 newborn hearing screening is to notify the receiving facility  
8 of the status of the newborn hearing screening and the  
9 receiving facility is then responsible for completion of the  
10 newborn hearing screening. The bill directs the birthing  
11 hospital or other facility completing the hearing screening to  
12 report the results of the screening to the parent or guardian  
13 of the newborn and to the Iowa department of public health  
14 (IDPH) in a manner prescribed by rule of the department.

15 The bill also provides that beginning January 1, 2004, a  
16 birth center is to refer the newborn to a licensed  
17 audiologist, physician, or hospital for hearing loss prior to  
18 discharge of the newborn from the birth center. The newborn  
19 hearing screening is to be completed within 30 days following  
20 discharge of the newborn. The person completing the newborn  
21 hearing screening is to report the results of the screening to  
22 the parent or guardian of the newborn and to the IDPH in a  
23 manner prescribed by rule of the department.

24 Additionally, the bill provides that beginning January 1,  
25 2004, if a newborn is delivered in a location other than a  
26 birthing hospital or a birth center, the physician or other  
27 health care professional who undertakes the pediatric care of  
28 the newborn or infant is to ensure that the newborn or infant  
29 hearing screening is performed within three months of the date  
30 of the newborn's or infant's birth. The physician or other  
31 health care professional is to report the results of the  
32 newborn or infant hearing screening to the parent or guardian  
33 of the newborn or infant and to the IDPH in a manner  
34 prescribed by rule of the department.

35 The bill provides a listing of the information that a

1 reporter of information under the bill is required to report.  
2 The bill authorizes the IDPH to share information with  
3 agencies and persons involved with newborn and infant hearing  
4 screenings, follow-up, and intervention services including the  
5 local birth-to-three coordinator or similar agency, the local  
6 area education agency, and local health care providers. The  
7 bill directs the IDPH to adopt rules to protect the  
8 confidentiality of the individuals involved. The bill also  
9 requires that an area education agency with which information  
10 has been shared report certain information to the IDPH  
11 relating to the newborn's or infant's hearing screening,  
12 follow-up, and intervention services.

13 The bill provides that a person who acts in good faith in  
14 complying with the provisions of the bill is not civilly or  
15 criminally liable for reporting the information required to be  
16 reported under the bill.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

SENATE FILE 407

S-3124

1 Amend Senate File 407 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "DIVISION XV

5 UNIVERSAL NEWBORN AND INFANT HEARING SCREENING

6 Section 1. NEW SECTION. 135.131 UNIVERSAL  
7 NEWBORN AND INFANT HEARING SCREENING.

8 1. For the purposes of this section, "birthing  
9 hospital" means a private or public hospital licensed  
10 pursuant to chapter 135B that has a licensed obstetric  
11 unit or is licensed to provide obstetric services, or  
12 a licensed birthing center associated with a hospital.

13 2. Beginning January 1, 2004, all infants born in  
14 this state shall be screened for hearing loss in  
15 accordance with this section. The person required to  
16 perform the screening shall use at least one of the  
17 following procedures:

18 a. Automated or diagnostic auditory brainstem  
19 response (ABR).

20 b. Otoacoustic emissions (OAE).

21 c. Any other technology approved by the  
22 department.

23 3. Beginning January 1, 2004, a birthing hospital  
24 that is not a birthing center shall screen every  
25 newborn delivered in the hospital for hearing loss  
26 prior to discharge of the newborn from the birthing  
27 hospital. A birthing hospital that transfers a  
28 newborn for acute care prior to completion of the  
29 hearing screening shall notify the receiving facility  
30 of the status of the hearing screening. The receiving  
31 facility shall be responsible for completion of the  
32 newborn hearing screening. The birthing hospital or  
33 other facility completing the hearing screening under  
34 this subsection shall report the results of the  
35 screening to the parent or guardian of the newborn and  
36 to the department in a manner prescribed by rule of  
37 the department.

38 4. Beginning January 1, 2004, a birthing hospital  
39 that is a birthing center shall refer the newborn to a  
40 licensed audiologist, physician, or hospital for  
41 screening for hearing loss prior to discharge of the  
42 newborn from the birthing center. The hearing  
43 screening shall be completed within thirty days  
44 following discharge of the newborn. The person  
45 completing the hearing screening shall report the  
46 results of the screening to the parent or guardian of  
47 the newborn and to the department in a manner  
48 prescribed by rule of the department.

49 5. Beginning January 1, 2004, if a newborn is  
50 delivered in a location other than a birthing

S-3124

1 hospital, the physician or other health care  
2 professional who undertakes the pediatric care of the  
3 newborn or infant shall ensure that the hearing  
4 screening is performed within three months of the date  
5 of the newborn's or infant's birth. The physician or  
6 other health care professional shall report the  
7 results of the hearing screening to the parent or  
8 guardian of the newborn or infant and to the  
9 department in a manner prescribed by rule of the  
10 department.

11 6. A birthing hospital, physician, or other health  
12 care provider required to report information under  
13 this section shall report all of the following  
14 information to the department relating to a newborn's  
15 or infant's hearing screening, as applicable:

16 a. The name, address, and telephone number, if  
17 available, of the mother of the newborn or infant.

18 b. The primary care provider at the birthing  
19 hospital for the newborn or infant.

20 c. The results of the hearing screening.

21 d. Any rescreenings and the diagnostic  
22 audiological assessment procedures used.

23 7. This section shall not apply if the parent  
24 objects to the screening. If a parent objects to the  
25 screening, the birthing hospital, physician, or other  
26 health care professional required to report  
27 information to the department under this section shall  
28 obtain a written refusal from the parent, shall  
29 document the refusal in the newborn's or infant's  
30 medical record, and shall report the refusal to the  
31 department in the manner prescribed by rule of the  
32 department.

33 8. The department shall adopt rules to administer  
34 this section including rules to provide for the  
35 sharing of information among agencies and persons  
36 involved with newborn and infant hearing screenings,  
37 follow-up, and intervention services, that maintain  
38 the confidentiality of the individuals involved.

39 9. A person who acts in good faith in complying  
40 with this section shall not be civilly or criminally  
41 liable for reporting the information required to be  
42 reported by this section.

43 Sec. 2. NEW SECTION. 135B.18A UNIVERSAL NEWBORN  
44 AND INFANT HEARING SCREENING.

45 Beginning January 1, 2004, a birthing hospital  
46 shall comply with section 135.131 relating to  
47 universal newborn and infant hearing screening."

48 2. Title page, line 1, by inserting after the  
49 word "mandatory" the following: "universal".

By NANCY BOETTGER