

A bill for an act
relating to health; establishing the Early Hearing Detection and Intervention Act;
proposing coding for new law in Minnesota Statutes, chapter 144.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **LEGISLATIVE FINDINGS AND PURPOSE.**

The legislature hereby finds that hearing loss occurs in newborn infants more frequently than any other health condition for which newborn infant screening is required. Early detection of hearing loss in a child and early intervention and treatment has been demonstrated to be highly effective in facilitating a child's healthy development in a manner consistent with the child's age, language acquisition, and cognitive ability. Without early hearing detection and intervention, children with hearing loss experience serious delays in language acquisition and social and cognitive development. With appropriate testing and identification of newborn infants, hearing loss screening will facilitate early intervention and treatment and will serve the public purpose of promoting the healthy development of children.

For these reasons, the legislature hereby determines that it is beneficial and in the best interests of the development of the children of the state of Minnesota that newborn infants' hearing be screened.

Sec. 2. **[144.966] EARLY HEARING DETECTION AND INTERVENTION ACT.**

Subdivision 1. Definitions. (a) "Child" means a person 18 years of age or younger. (b) "False positive rate" means the proportion of infants identified as having a significant hearing loss by the screening process who are ultimately found to not have a significant hearing loss.

(c) "False negative rate" means the proportion of infants not identified as having a significant hearing loss by the screening process who are ultimately found to have a significant hearing loss.

(d) "Hearing screening test" means automated auditory brain stem response, otoacoustic emissions, or another appropriate screening test approved by the Department of Health.

(e) "Hospital" means a birthing health care facility or birthing center licensed in this state that provides obstetrical services.

(f) "Infant" means a child who is not a newborn and has not attained the age of one year.

(g) "Newborn" means an infant 28 days old or younger.

(h) "Parent" means a natural parent, stepparent, adoptive parent, guardian, or custodian of a newborn or infant.

Subd. 2. Newborn Hearing Screening Advisory Committee. (a) The commissioner of health shall appoint a Newborn Hearing Screening Advisory Committee to advise and assist the Department of Health and the Department of Education in:

(1) developing protocols and timelines for screening, rescreening, and diagnostic audiological assessment and early medical, audiological, and educational intervention services for children who are deaf or hard-of-hearing;

(2) designing protocols for tracking children from birth through age three that may have passed newborn screening but are at risk for delayed or late onset of permanent hearing loss;

(3) designing a technical assistance program to support facilities implementing the screening program and facilities conducting rescreening and diagnostic audiological assessment;

(4) designing implementation and evaluation of a system of follow-up and tracking; and

(5) evaluating program outcomes to increase effectiveness and efficiency and ensure culturally appropriate services for children with a confirmed hearing loss and their families.

(b) Membership of the committee shall include at least one member from each of the following groups with no less than two of the members being deaf or hard-of-hearing:

(1) a representative from a consumer organization representing culturally deaf persons;

(2) a parent with a child with hearing loss representing a parent organization;

(3) a consumer from an organization representing oral communication options;

3.1 (4) a consumer from an organization representing cued speech communication
3.2 options;

3.3 (5) an audiologist who has experience in evaluation and intervention of infants
3.4 and young children;

3.5 (6) a speech-language pathologist who has experience in evaluation and intervention
3.6 of infants and young children;

3.7 (7) two primary care providers who have experience in the care of infants and young
3.8 children, one of which shall be a pediatrician;

3.9 (8) a representative from the early hearing detection intervention teams;

3.10 (9) a representative from the Department of Education resource center for the deaf
3.11 and hard-of-hearing or their designee;

3.12 (10) a representative of the Minnesota Commission Serving Deaf and Hard of
3.13 Hearing People;

3.14 (11) a representative from the Department of Human Services Deaf and Hard of
3.15 Hearing Services Division;

3.16 (12) one or more of the Part C coordinators from the Department of Education, the
3.17 Department of Health, or the Department of Human Services or their designee;

3.18 (13) the Department of Health early hearing detection and intervention coordinator;

3.19 (14) two birth hospital representatives from one rural and one urban hospital;

3.20 (15) a pediatric geneticist;

3.21 (16) an otolaryngologist;

3.22 (17) a representative from the Newborn Screening Advisory Committee under
3.23 this subdivision; and

3.24 (18) a representative of the Department of Education regional low-incidence
3.25 facilitators.

3.26 The Department of Health member shall chair the first meeting of the committee.
3.27 At the first meeting, the committee shall elect a chairperson from its membership. The
3.28 committee shall meet at the call of the chairperson, at least four times a year. The
3.29 committee shall adopt written bylaws to govern its activities. The Department of Health
3.30 shall provide technical and administrative support services as required by the committee.
3.31 These services shall include technical support from individuals qualified to administer
3.32 infant hearing screening, rescreening, and diagnostic audiological assessments.

3.33 Members of the committee shall receive no compensation for their service, but
3.34 shall be reimbursed for expenses incurred as a result of their duties as members of the
3.35 committee.

4.1 Subd. 3. **Newborn and infant hearing screening programs.** All hospitals shall
4.2 establish a Universal Newborn Hearing and Infant Screening (UNHS) program. Each
4.3 UNHS program shall:

4.4 (1) in advance of any hearing screening testing, provide to the newborn's or infant's
4.5 parents information concerning the nature of the screening procedure, applicable costs of
4.6 the screening procedure, the potential risks and effects of hearing loss, and the benefits of
4.7 early detection and intervention;

4.8 (2) comply with parental consent under section 144.125, subdivision 3;

4.9 (3) develop policies and procedures for screening and rescreening based on
4.10 Department of Health recommendations;

4.11 (4) provide appropriate training and monitoring of individuals responsible for
4.12 performing hearing screening tests as recommended by the Department of Health;

4.13 (5) test the newborn's hearing prior to discharge, or, if the newborn is expected to
4.14 remain in the hospital for a prolonged period, testing shall be performed prior to three
4.15 months of age, or when medically feasible;

4.16 (6) develop and implement procedures for documenting the results of all hearing
4.17 screening tests;

4.18 (7) inform the baby's parents or parent, primary care physician, and the Department
4.19 of Health according to recommendations of the Department of Health of the results of the
4.20 hearing screening test or rescreening if conducted, or if the newborn or infant was not
4.21 successfully tested. The hospital that discharges the baby to home is responsible for
4.22 the screening; and

4.23 (8) collect performance data specified by the Department of Health.

4.24 Subd. 4. **Notification and information.** (a) Notification to the parents, primary
4.25 care provider, and Department of Health shall occur prior to discharge or no later than ten
4.26 days following the date of testing. Notification shall include information recommended by
4.27 the Department of Health.

4.28 (b) A physician, nurse, midwife, or other health professional attending a birth outside
4.29 a hospital or institution shall provide information, orally and in writing, as established by
4.30 the Department of Health, to parents regarding places where the parents may have their
4.31 infants' hearing screened and the importance of such screening.

4.32 (c) The professional conducting the diagnostic procedure to confirm the hearing loss
4.33 must report the results to the parents, primary care provider, and Department of Health
4.34 according to the Department of Health recommendations.

5.1 Subd. 5. **Oversight responsibility.** The Department of Health shall exercise
5.2 oversight responsibility for UNHS programs, including establishing a performance data
5.3 set and reviewing performance data collected by each hospital.

5.4 Subd. 6. **Civil and criminal immunity and penalties.** (a) No physician or hospital
5.5 shall be civilly or criminally liable for failure to conduct hearing screening testing.

5.6 (b) No physician, midwife, nurse, other health professional, or hospital acting in
5.7 compliance with this section shall be civilly or criminally liable for any acts conforming
5.8 with this section, including furnishing information required according to this section.

5.9 Subd. 7. **Laboratory service fees.** The commissioner shall charge laboratory
5.10 service fees according to section 16A.1285 so that the total of fees collected will
5.11 approximate the costs of implementing and maintaining a system to follow up infants,
5.12 provide technical assistance, a tracking system, data management, and evaluation.

5.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.