

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1548

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BARRY.

Read 1<sup>st</sup> time January 21, 2002, and 1000 copies ordered printed.

Read 2<sup>nd</sup> time January 22, 2002, and referred to the Committee on Children, Families and Health, February 7, 2002.

Reported from the Committee on Children, Families and Health, March 5, 2002, with recommendation that the bill Do Pass by Consent.

Perfectured by Consent March 14, 2002.

TED WEDEL, Chief Clerk

4006L.01P

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## AN ACT

To repeal section 191.925, RSMo, and to enact in lieu thereof one new section relating to the newborn hearing screening program.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 191.925, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 191.925, to read as follows:

191.925. 1. Effective January 1, 2002, every infant born in this state shall be screened for hearing loss in accordance with the provisions of sections 191.225 to 191.937 and section 376.685, RSMo.

2. The screening procedure shall include the use of at least one of the following physiological technologies:

(1) Automated or diagnostic auditory brainstem response (ABR);

(2) Otoacoustic emissions (OAE); or

(3) Other technologies approved by the department of health and senior services.

3. Every newborn delivered on or after January 1, 2002, in an ambulatory surgical center or hospital shall be screened for hearing loss prior to discharge of the infant from the facility.

**Any facility that transfers a newborn for further acute care prior to completion of the newborn hearing screening shall notify the receiving facility of the status of the newborn hearing screening. The receiving facility shall be responsible for the completion of the newborn hearing screening.** Such facilities shall report the screening results on all newborns

15 to the parents or guardian of the newborn, and the department of health and senior services in  
16 a manner prescribed by the department.

17 4. If a newborn is delivered in a place other than the facilities listed in subsection 3 of  
18 this section, the physician or person who professionally undertakes the pediatric care of the infant  
19 shall ensure that the newborn hearing screening is performed within three months of the date of  
20 the infant's birth. Such physicians and persons shall report the screening results on all newborns  
21 to the parents or guardian of the newborn, and the department of health and senior services in  
22 a manner prescribed by the department.

23 5. The provisions of this section shall not apply if the parents of the newborn or infant  
24 object to such testing on the grounds that such tests conflict with their religious tenets and  
25 practices.

26 6. As provided in subsection 5 of this section, the parent of any child who fails to have  
27 the hearing screening test administered after notice of the requirement for such test shall have  
28 such refusal documented in writing. Such physicians, persons or administrators shall obtain the  
29 written refusal and make such refusal part of the medical record of the infant, and shall report  
30 such refusal to the department of health and senior services in a manner prescribed by the  
31 department.

32 7. The physician or person who professionally undertakes the pediatric care of the  
33 newborn, and administrators of ambulatory surgical centers or hospitals shall provide to the  
34 parents or guardians of newborns a written packet of educational information developed and  
35 supplied by the department of health and senior services describing the screening, how it is  
36 conducted, the nature of the hearing loss, and the possible consequences of treatment and  
37 nontreatment for hearing loss prior to administering the screening.

38 8. All facilities or persons described in subsections 3 and 4 of this section who  
39 voluntarily provide hearing screening to newborns prior to January 1, 2002, shall report such  
40 screening results to the department of health in a manner prescribed by the department.

41 9. All facilities or persons described in subsections 3 and 4 of this section shall provide  
42 the parents or guardians of newborns who fail the hearing screening with educational materials  
43 that:

44 (1) Communicate the importance of obtaining further hearing screening or diagnostic  
45 audiological assessment to confirm or rule out hearing loss;

46 (2) Identify community resources available to provide rescreening and diagnostic  
47 audiological assessments; and

48 (3) Provide other information as prescribed by the department of health and senior  
49 services.

50 10. Any person who acts in good faith in complying with the provisions of this section

51 by reporting the newborn hearing screening results to the department of health and senior  
52 services shall not be civilly or criminally liable for furnishing the information required by this  
53 section.

54 11. The department of health and senior services shall provide audiological and  
55 administrative technical support to facilities and persons implementing the requirements of this  
56 section, including, but not limited to, assistance in:

57 (1) Selecting state-of-the-art newborn hearing screening equipment;

58 (2) Developing and implementing newborn hearing screening procedures that result in  
59 appropriate failure rates;

60 (3) Developing and implementing training for individuals administering screening  
61 procedures;

62 (4) Developing and distributing educational materials for families;

63 (5) Identifying community resources for delivery of rescreening and pediatric  
64 audiological assessment services; and

65 (6) Implementing reporting requirements.

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67 Such audiological technical support shall be provided by individuals qualified to administer  
68 newborn and infant hearing screening, rescreening and diagnostic audiological assessment.