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Krupinski, Clancy, Key, Niehaus, Hoops, Salerno, Wilson, Faber, Driehaus,
Oakar, Beatty, Jones

A BILL

To amend sections 3701.503, 3701.504, 3701.505, 1
3701.506, and 3701.507 and to enact sections 2
3701.508 and 3701.509 of the Revised Code to 3
require universal hearing screening for newborns 4
and infants. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3701.503, 3701.504, 3701.505, 6
3701.506, and 3701.507 be amended and sections 3701.508 and 7
3705.509 of the Revised Code be enacted to read as follows: 8

Sec. 3701.503. As used in sections 3701.504 to ~~3701.507~~ 9
3701.509 of the Revised Code: 10

(A) "Parent" means either parent, unless the parents are 11
separated or divorced or their marriage has been dissolved or 12
annulled, in which case "parent" means the parent who is the 13

residential parent and legal custodian. 14

(B) "Guardian" has the same meaning as in section 2111.01 of 15
the Revised Code. 16

(C) "Custodian" means, except as used in division (A) of this 17
section, a government agency or an individual, other than the 18
parent or guardian, with legal or permanent custody of a child as 19
defined in section 2151.011 of the Revised Code. 20

(D) "Address," in the case of an individual, means the 21
individual's residence and, in the case of a government agency, 22
means the office at which the records pertaining to a particular 23
~~child~~ newborn or infant are maintained. 24

(E) "Risk Hearing screening" means the identification of 25
newborns and infants who are at risk of may have a hearing 26
impairment, through the use of ~~a high-risk questionnaire developed~~ 27
~~by the department of health under division (A) of section 3701.504~~ 28
~~of the Revised Code~~ a physiologic test performed under the 29
direction of an audiologist or physician. 30

(F) "Hearing ~~assessment evaluation~~" means evaluation through 31
the use of audiological procedures by ~~or under the supervision of~~ 32
an audiologist ~~licensed under section 4753.07 of the Revised Code,~~ 33
~~or by a neurologist or otolaryngologist,~~ to identify infants who 34
~~are at risk of hearing impairment~~ physician. 35

(G) "Hearing impairment" means a loss of hearing in one or 36
both ears in the frequency region important for speech recognition 37
and comprehension. 38

(H) "Newborn" means a child who is less than thirty days old. 39

(I) "Infant" means a child who is at least thirty days but 41
less than twenty-four months old. 42

(J) "Freestanding birthing center" has the same meaning as in 43

section 3702.51 of the Revised Code.

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(K) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

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(L) "Audiologist" means an individual authorized under section 4753.07 of the Revised Code to practice audiology.

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Sec. 3701.504. (A) The department of health shall establish and maintain newborn infant hearing impairment risk criteria and shall develop a high risk questionnaire a statewide hearing screening, tracking, and early intervention program to identify infants who are at risk of newborn and infant hearing impairment. The department shall also establish appropriate protocols for the treatment and follow-up care of newborns and infants with hearing impairment.

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(B) The public health council shall adopt rules under Chapter 119. of the Revised Code establishing a program to be administered by the department of health that requires risk (1) The program shall include a hearing screening of each infant or newborn born in a hospital nursery to determine if the infant meets the hearing impairment risk criteria established by the department of health under division (A) of this section or freestanding birthing center before discharge, unless the infant or newborn is transferred to another hospital.

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(2) If an infant or newborn is transferred to another hospital before a hearing screening is conducted, the program shall provide for a hearing screening of that infant or newborn when determined to be medically stable.

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(3) In the case of a newborn not born in or admitted to a hospital from the hospital or center in which the newborn or infant was born, or freestanding birthing center, the program

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~~shall provide for a hearing screening before the newborn is thirty
days old. The rules adopted under this division shall include a
provision that no infant shall be required to undergo risk
screening if the infant's parent, guardian, or custodian, if an
individual, objects on the grounds that the screening conflicts
with his religious tenets and practices.~~

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~~(C) The public health council shall adopt, and may amend or
rescind, rules to carry out the purposes of sections 3701.503 to
3701.507 of the Revised Code.~~

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~~(B) The department of health shall ensure that the program
established under this section is incorporated into early
intervention activities of the department in compliance with the
"Individuals with Disabilities Education Act," 20 U.S.C.A. 1400 et
seq.~~

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~~(C) The department of health shall administer the program
established under this section pursuant to rules adopted under
section 3701.508 of the Revised Code.~~

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Sec. 3701.505. ~~(A)(1) Each hospital and each freestanding
birthing center, in accordance with rules adopted by the public
health council under section 3701.504 of the Revised Code, shall
provide risk do all of the following:~~

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~~(a) Conduct a hearing screening of on each newborn infants
and shall promptly or infant born in the hospital or center unless
the newborn or infant is transferred to another hospital;~~

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~~(b) Conduct a hearing screening on each newborn or infant
transferred to the hospital from the hospital or center in which
the newborn or infant was born, if the newborn or infant was
transferred before a hearing screening was conducted;~~

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~~(c) Inform the parent, guardian, or custodian of the newborn
or infant about the screening results and provide a written report~~

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of the screening results; 104

~~(d) Promptly notify an the newborn's or infant's primary care~~ 105
~~physician and~~ of the screening results; 106

~~(e) Notify the department of health of the name of any infant~~ 107
~~who is identified by a risk screening as at risk for hearing~~ 108
~~impairment under the criteria established by the department of~~ 109
~~health under division (A) of section 3701.504 of the Revised Code,~~ 110
~~and of the name and address of the infant's parent, guardian, or~~ 111
~~custodian~~ screening results for each newborn or infant screened. 112

(2) Not later than one year after the rules adopted by the 114
public health council under section 3701.508 of the Revised Code 115
take effect, each hospital and freestanding birthing center shall 116
begin taking the actions required by division (A)(1) of this 117
section in accordance with the rules. The hospital or freestanding 118
birthing center shall continue to take the actions in accordance 119
with the rules thereafter. 120

~~(B)(1) If an infant is identified as at risk for hearing~~ 121
~~impairment and the hospital at which the identification was made~~ 122
~~also provides hearing assessment, the hospital shall provide a~~ 123
~~hearing assessment for the infant; if the hospital does not~~ 124
~~provide hearing assessment~~ or newborn does not pass the hearing 125
screening, the hospital or freestanding birthing center shall 126
provide the newborn's or infant's parent, guardian, or custodian 127
with a list of hospitals, clinics, or other facilities located 128
within a reasonable distance of the parent's, guardian's, or 129
custodian's address that provide hearing assessment evaluations 130
for newborns, infants, and toddlers. 131

~~(2) Each hospital that provides a hearing assessment shall~~ 132
~~prepare and provide to the infant's parent, guardian, or custodian~~ 133
~~a list of hospitals, clinics, or other facilities located within a~~ 134

~~reasonable distance of the parent's, guardian's, or custodian's~~ 135
~~address that provide follow-up hearing evaluations.~~ 136

~~(3) Whenever a hearing assessment identifies an infant as~~ 137
~~being hearing impaired, the hospital, clinic, or other facility~~ 138
~~providing the assessment shall promptly notify the infant's~~ 139
~~primary care physician and the department of health of the~~ 140
~~infant's name and the name and address of the infant's parent,~~ 141
~~guardian, or custodian~~ A hospital, clinic, or other facility 142
performing the hearing evaluation on a newborn or infant shall 143
report the results of the evaluation to the newborn's or infant's 144
parent, guardian, or custodian, primary care physician, and the 145
department of health. 146

~~(C) Any hospital, clinic, or other facility~~ freestanding 147
birthing center providing a hearing ~~assessment~~ screening in 148
accordance with division ~~(B)~~(A) of this section shall be 149
reimbursed by the department of health at a rate determined by the 150
director of health, if both of the following are the case: 151

(1) The ~~assessment~~ screening is performed before the newborn 152
or infant attains nine months of age; is discharged from the 153
hospital or freestanding birthing center, or in the case of a 154
newborn not born in or admitted to a hospital or freestanding 155
birthing center, before the newborn is thirty days old. 156

(2) The parent, guardian, or custodian is financially unable 157
to pay for the hearing ~~assessment~~ screening and the hospital,
~~elinic,~~ or other facility freestanding birthing center is not 158
reimbursed by a third-party payer as determined pursuant to rules 159
adopted under section 3701.508 of the Revised Code. 160
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~~The public health council shall adopt rules pursuant to~~ 162
~~Chapter 119. of the Revised Code for determining whether a person~~ 163
~~is financially unable to pay for a hearing assessment and defining~~ 164
~~third-party payer for the purpose of this section.~~ 165

Sec. 3701.506. The department of health shall prepare and 167
distribute to all hospitals and freestanding birthing centers 168
required to provide ~~infant-risk~~ hearing screenings under the 169
program established under section 3701.504 of the Revised Code, 170
information describing factors or conditions of hearing loss and 171
the effect of such a loss on an infant or child's language 172
development, and information on the importance of hearing 173
screening, hearing evaluation, early intervention, and follow-up 174
care for newborns and infants. This information shall be updated 175
as the department determines necessary. ~~Upon the discharge of an~~ 176
~~at-risk newborn infant, each such~~ 177

Each hospital or freestanding birthing center shall provide 178
the ~~infant's~~ parent, guardian, or custodian of each newborn or 179
infant born in the hospital or freestanding birthing center with 180
~~this hearing loss~~ the information prepared by the department 181
pursuant to this section. 182

Sec. 3701.507. (A) To assist in implementing sections 183
3701.503 to ~~3701.507~~ 3701.509 of the Revised Code, the medically 184
handicapped children's medical advisory council created in section 185
3701.025 of the Revised Code shall appoint a permanent infant 186
hearing screening subcommittee. The subcommittee shall consist of 187
the following members: 188

(1) One otolaryngologist; 189

(2) One neonatologist; 190

(3) One pediatrician; 191

(4) One neurologist; 192

(5) One hospital administrator; 193

(6) ~~One~~ Two or more audiologists ~~licensed under section~~ 194
~~4753.07 of the Revised Code~~ who are experienced in infant hearing 195

<u>assessment screening and evaluation;</u>	196
(7) One speech <u>speech-language</u> pathologist licensed under section 4753.07 of the Revised Code;	197 198
(8) One <u>Two persons who are each a</u> parent of a hearing-impaired child;	199 200
<u>(9) One geneticist;</u>	201
<u>(10) One epidemiologist;</u>	202
<u>(11) One adult who is deaf or hearing impaired;</u>	203
<u>(12) One representative from an organization for the deaf or hearing impaired;</u>	204 205
<u>(13) One family advocate;</u>	206
<u>(14) One nurse from a well-baby neonatal nursery;</u>	207
<u>(15) One nurse from a special care neonatal nursery;</u>	208
<u>(16) One teacher of the deaf who works with infants and toddlers;</u>	209 210
<u>(17) One representative of the health insurance industry;</u>	211
<u>(18) One representative of the bureau for children with medical handicaps;</u>	212 213
<u>(19) One representative of the department of education;</u>	214
<u>(20) One representative of the Ohio department of job and family services who has responsibilities regarding medicaid;</u>	215 216
<u>(21) Any other person the advisory council appoints.</u>	217
(B) The infant hearing subcommittee shall:	218
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.507 <u>3701.509</u> of the Revised Code;	219 220 221
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the public health council under section	222 223

3701.504 3701.504 <u>3701.508</u> of the Revised Code;	224
(3) Consult with the director of health <u>and advise and make</u>	225
<u>recommendations</u> regarding program development and implementation	226
under sections 3701.503 to 3701.507 <u>3701.509</u> of the Revised Code,	227
including establishment of newborn infant hearing impairment risk	228
criteria and development of the high-risk questionnaire under	229
division (A) of <u>all of the following:</u>	230
(a) <u>Establishment under</u> section 3701.504 of the Revised Code	231
<u>of the statewide hearing screening, tracking, and early</u>	232
<u>intervention program to identify newborn hearing impairment;</u>	233
<u>identification</u>	234
(b) <u>Identification</u> of locations where assessment of infants	235
<u>hearing evaluations</u> may be conducted; recommendations	236
(c) <u>Recommendations</u> for methods and techniques of risk	237
<u>hearing screening and hearing assessment evaluation; referral</u>	238
(d) <u>Referral</u> , data recording and compilation, and procedures	239
to encourage follow-up hearing assessments <u>care</u> ; maintenance	240
(e) <u>Maintenance</u> of a register of <u>newborns and</u> infants	241
determined to be at high risk for hearing impairment who do not	242
<u>pass the hearing screening; and preparation</u>	243
(f) <u>Preparation of the information required by section</u>	244
<u>3701.506 of the Revised Code and any other</u> information the public	245
health council requires the department of health to provide.	246
(4) Ensure that the infant hearing screening and assessment	247
program established under sections 3701.503 to 3701.507 of the	248
Revised Code is incorporated into early intervention activities of	249
the department of health in compliance with the "Education of the	250
Handicapped Act Amendments of 1986," 100 Stat. 1145, 20 U.S.C.A.	251
1400.	252
<u>Sec. 3701.508. (A) The public health council shall adopt</u>	253

rules in accordance with Chapter 119. of the Revised Code 254
governing the statewide hearing screening, tracking, and early 255
intervention program established under section 3701.504 of the 256
Revised Code, including rules that do all of the following: 257

(1) Specify how hospitals and freestanding birthing centers 258
are to comply with the requirements of section 3701.505 of the 259
Revised Code, including methods and devices to be used for hearing 260
screening. 261

(2) Provide that no infant or newborn shall be required to 262
undergo a hearing screening if the parent, guardian, or custodian 263
of the infant or newborn objects on the grounds that the screening 264
conflicts with the parent's, guardian's, or custodian's religious 265
tenets and practices; 266

(3) Specify how the department of health will determine 267
whether a person is financially unable to pay for a hearing 268
screening and define "third-party payer" for the purpose of 269
reimbursement of hearing screening by the department under section 270
3701.505 of the Revised Code. 271

(4) Specify any additional information that hospitals and 272
freestanding birthing centers are to provide to the medically 273
handicapped children's medical advisory council's infant hearing 274
screening subcommittee under section 3701.509 of the Revised Code. 275

(B) The rules shall be adopted so as to take effect not later 276
than six months after the effective date of this section. 277

Sec. 3701.509. (A) Not later than the first day of each 278
November, each hospital and freestanding birthing center that has 279
conducted a hearing screening required by section 3701.505 of the 280
Revised Code shall provide to the department of health for use by 281
the medically handicapped children's medical advisory council's 282
infant hearing screening subcommittee information specifying all 283

<u>of the following for the preceding year:</u>	284
<u>(1) The number of newborns born in the hospital or freestanding birthing center;</u>	285 286
<u>(2) The number and percentage of newborns and infants born in the hospital or freestanding birthing center who received a hearing screening;</u>	287 288 289
<u>(3) The number of newborns and infants born in the hospital or freestanding birthing center whose parents, guardians, or custodians received the information described in section 3701.506 of the Revised Code;</u>	290 291 292 293
<u>(4) The number and percentage of newborns and infants born in the hospital or freestanding birthing center who did not pass the hearing screening;</u>	294 295 296
<u>(5) The number and percentage of newborns and infants born in the hospital or freestanding birthing facility whose parent, guardian, or custodian was provided with a copy of the list described in division (B)(1) of section 3701.505 of the Revised Code;</u>	297 298 299 300 301
<u>(6) Any other information concerning the program established under section 3701.504 of the Revised Code.</u>	302 303
<u>(B) The infant hearing screening subcommittee, with the support of the department of health, shall compile and summarize the information submitted to the subcommittee by hospitals and freestanding birthing centers under division (A) of this section and, beginning with the first year after this section becomes effective, annually prepare and transmit a report to the director of health, the speaker of the house of representatives, and the president of the senate. The council shall make the report available to the public.</u>	304 305 306 307 308 309 310 311 312
<u>(C) The department and all members of the subcommittee shall</u>	313

maintain the confidentiality of patient-identifying information 314
submitted under division (A) of this section and section 3701.505 315
of the Revised Code. The information is not a public record under 316
section 149.43 of the Revised Code, except to the extent that the 317
information is used in preparing reports under this section. 318

Section 2. That existing sections 3701.503, 3701.504, 320
3701.505, 3701.506, and 3701.507 of the Revised Code are hereby 321
repealed. 322