

House Bill 1177

By: Representatives Manning of the 32nd, Cooper of the 41st, Houston of the 170th, Gardner of the 57th, and Ashe of the 56th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to
2 general provisions related to health, so as to require a hearing screening for all newborns; to
3 provide for advice and assistance from the Department of Human Resources to physicians
4 and hospitals; to authorize the establishment of fees for the screening; to provide for a
5 religious exemption; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 style="text-align:center">**SECTION 1.**

9 Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general
10 provisions related to health, is amended by revising Code Section 31-1-3.2, relating to
11 hearing screenings for newborns, as follows:

12 "31-1-3.2.

13 (a) The General Assembly finds, determines, and declares:

14 (1) That hearing loss occurs in newborn infants more frequently than any other health
15 condition for which newborn infant screening is required;

16 (2) That 80 percent of the language ability of a child is established by the time the child
17 is 18 months of age and that hearing is vitally important to the healthy development of
18 such language skills;

19 (3) That early detection of hearing loss in a child and early intervention and treatment
20 has been demonstrated to be highly effective in facilitating a child's healthy development
21 in a manner consistent with the child's age and cognitive ability;

22 (4) That children with hearing loss who do not receive such early intervention and
23 treatment frequently require special educational services and that such services are
24 publicly funded for the vast majority of children with hearing needs in the state;

1 (5) That appropriate testing and identification of newborn infants with hearing loss will
 2 facilitate early intervention and treatment and may therefore serve the public purposes of
 3 promoting the healthy development of children and reducing public expenditure;

4 (6) The American Academy of Pediatrics, the American Speech-Language-Hearing
 5 Association, the American Academy of Audiology, and the American Academy of
 6 Otolaryngology, Head and Neck Surgery have recently endorsed the implementation of
 7 universal newborn hearing screenings and recommended that such screenings be
 8 performed in all birthing hospitals and coordinated by state departments of public health;
 9 and

10 (7) That consumers should be entitled to know whether the hospital at which they choose
 11 to deliver their infant provides newborn hearing screening.

12 (b) As used in this Code section, the term 'newborn infant' means an infant after delivery
 13 but before discharge from the hospital.

14 (c) For reasons specified in subsection (a) of this Code section, the General Assembly
 15 determines that it would be beneficial and in the best interests of the development of the
 16 children of the state that newborn infants' hearing be screened.

17 (d) ~~Reserved.~~

18 ~~(e) It is the intent of the General Assembly that, by July 1, 2002~~ On and after July 1, 2008,
 19 newborn hearing screening shall be conducted on ~~no fewer than 95 percent~~ of all newborn
 20 infants born in hospitals in this state, using procedures established by rule and regulation
 21 of the Board of Human Resources ~~after review of any recommendations of the advisory~~
 22 ~~committee on hearing in newborn infants, created in subsection (d) of this Code section.~~
 23 Toward that end, on and after July 1, ~~2001~~ 2008, every licensed or certified hospital and
 24 physician shall educate the parents of newborn infants born in such hospitals of the
 25 ~~importance~~ necessity of screening the hearing of newborn infants and follow-up care.
 26 Education shall not be considered a substitute for the hearing screening described in this
 27 subsection. Every licensed or permitted hospital shall report annually to the Department
 28 of Human Resources concerning the following:

29 (1) The number of newborn infants born in the hospital;

30 (2) The number of newborn infants screened;

31 (3) The number of newborn infants who passed the screening, ~~if administered~~; and

32 (4) The number of newborn infants who did not pass the screening, ~~if administered~~.

33 ~~(f) The advisory committee on hearing in newborn infants shall determine which hospitals~~
 34 ~~or other health care providers in this state are ordering and administering newborn hearing~~
 35 ~~screening to newborn infants on a voluntary basis and the number of newborn infants~~
 36 ~~screened. The advisory committee on hearing in newborn infants shall report to the General~~
 37 ~~Assembly and Governor by December 1, 2001, concerning the following:~~

1 (1) ~~The number of hospitals and other health care providers administering such voluntary~~
2 ~~screenings;~~

3 (2) ~~The number of newborn infants screened as compared to the total number of infants~~
4 ~~born in such hospitals and institutions;~~

5 (3) ~~The number of newborn infants who passed the screening, if administered; and~~

6 (4) ~~The number of newborn infants who did not pass the screening, if administered.~~

7 ~~(g) Subject to available appropriations, the advisory committee on hearing in newborn~~
8 ~~infants shall make the report described in subsection (f) of this Code section available~~
9 ~~throughout the state and specifically available to physicians whose practice includes the~~
10 ~~practice of obstetrics or the care of newborn infants, to consumer groups, to managed care~~
11 ~~organizations, and to the media.~~

12 ~~(h)(e) If the number of newborn infants screened does not equal or exceed 95 percent of~~
13 ~~all newborn infants born in hospitals in this state by July 1, 2002, or falls below 95 percent~~
14 ~~at any time thereafter, the advisory committee shall continue to work with hospitals and~~
15 ~~physicians to achieve that goal. The advisory committee department shall advise and assist~~
16 ~~hospitals and physicians regarding the conditions and procedures under which a parent or~~
17 ~~guardian of a child may object to and thereby exempt the child from such screening for~~
18 ~~religious reasons. The advisory committee shall study and address those hospitals with a~~
19 ~~low volume of births, as determined by the Department of Human Resources based upon~~
20 ~~recommendations by the advisory committee on hearing in newborn infants, which may~~
21 ~~arrange otherwise for newborn infant hearing screening.~~

22 ~~(i)(f) A physician, registered professional nurse, including a certified nurse midwife, or~~
23 ~~other health professional attending a birth outside a hospital or institution shall provide~~
24 ~~information, as established by the department, to parents regarding places where the~~
25 ~~parents may have their infants' screening and the importance necessity of such screening.~~

26 ~~(j)(g) The department shall encourage the cooperation of local health departments, health~~
27 ~~care clinics, local school ~~districts~~ systems, health care providers, and any other appropriate~~
28 ~~resources to promote the screening of newborn infants' hearing and early identification and~~
29 ~~intervention for those determined to have hearing loss for those infants born outside a~~
30 ~~hospital or institution.~~

31 ~~(h) The department shall be authorized to establish and periodically adjust, by rule and~~
32 ~~regulation, fees associated with the screening conducted pursuant to this Code section to~~
33 ~~help defray or meet the costs incurred by the department. In no event shall the fees exceed~~
34 ~~such costs, both direct and indirect, in providing such screenings and related services,~~
35 ~~provided that no services shall be denied on the basis of inability to pay. All fees paid~~
36 ~~thereunder shall be paid into the general fund of the State of Georgia.~~

1 (i) The requirements of this Code section with regard to screening shall not apply to any
2 infant whose parents object in writing thereto on the grounds that such tests and treatment
3 conflict with their religious tenets and practices."

4 **SECTION 2.**

5 All laws and parts of laws in conflict with this Act are repealed.