

SENATE BILL No. 1421

October 5, 2000, Introduced by Senators JOHNSON and HAMMERSTROM and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding part 94B.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 94B. HEARING IMPAIRED INFANTS

2 SEC. 9471. (1) AS USED IN THIS PART:

3 (A) "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS
4 LICENSED, REGISTERED, OR OTHERWISE AUTHORIZED TO PRACTICE A
5 HEALTH PROFESSION UNDER ARTICLE 15.

6 (B) "HEARING IMPAIRED INFANT" MEANS A NEWBORN INFANT OR
7 OTHER INFANT WHO HAS A DISORDER OF THE AUDITORY SYSTEM OF A TYPE
8 OR DEGREE THAT CAUSES A HEARING IMPAIRMENT THAT INTERFERES WITH
9 THE DEVELOPMENT OF THE NEWBORN INFANT'S OR OTHER INFANT'S
10 LANGUAGE AND SPEECH SKILLS.

1 (C) "HEARING IMPAIRMENT SCREENING" MEANS THE EMPLOYMENT OF 1
2 OR MORE OF THE FOLLOWING TESTS TO IDENTIFY WHETHER A NEWBORN
3 INFANT OR OTHER INFANT IS A HEARING IMPAIRED INFANT:

4 (i) AUDITORY BRAIN STEM RESPONSE.

5 (ii) OTOACOUSTIC EMISSIONS.

6 (iii) A TEST APPROVED BY THE DEPARTMENT OF COMMUNITY
7 HEALTH.

8 (D) "HOSPITAL" MEANS A HOSPITAL LICENSED UNDER ARTICLE 17.

9 (E) "INFANT" MEANS A MINOR WHO IS 30 DAYS OLD OR OLDER BUT
10 LESS THAN 1 YEAR OF AGE.

11 (F) "NEWBORN INFANT" MEANS A MINOR WHO IS LESS THAN 30 DAYS
12 OLD.

13 (2) IN ADDITION TO THE DEFINITIONS CONTAINED IN SUBSECTION
14 (1), ARTICLE 1 CONTAINS DEFINITIONS OF GENERAL APPLICATION TO
15 THIS CODE.

16 SEC. 9473. (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION
17 9475, EACH HOSPITAL THAT PROVIDES BIRTHING SERVICES AND EACH
18 HEALTH PROFESSIONAL WHO PROVIDES BIRTHING SERVICES OUTSIDE OF A
19 HOSPITAL SHALL PERFORM HEARING IMPAIRMENT SCREENING FOR EACH NEW-
20 BORN INFANT BEFORE THE NEWBORN INFANT IS DISCHARGED FROM THE HOS-
21 PITAL OR BEFORE THE HEALTH PROFESSIONAL LEAVES THE BIRTHING SITE
22 OUTSIDE OF A HOSPITAL. IF THE HEARING IMPAIRMENT SCREENING IS
23 NOT PERFORMED WITHIN THOSE TIME FRAMES DUE TO EXIGENT CIRCUM-
24 STANCES, THE HOSPITAL OR HEALTH PROFESSIONAL SHALL PERFORM THE
25 HEARING IMPAIRMENT SCREENING WITHIN 90 DAYS AFTER BIRTH.

26 (2) EACH HOSPITAL AND HEALTH PROFESSIONAL DESCRIBED IN
27 SUBSECTION (1) SHALL TRANSMIT THE RESULTS OF THE HEARING

1 IMPAIRMENT SCREENING PERFORMED UNDER SUBSECTION (1) TO EACH OF
2 THE FOLLOWING:

3 (A) THE DEPARTMENT OF COMMUNITY HEALTH.

4 (B) THE PARENT OR GUARDIAN OF THE NEWBORN INFANT OR OTHER
5 INFANT.

6 (C) THE NEWBORN INFANT'S OR OTHER INFANT'S PRIMARY CARE PHY-
7 SICIAN, IF KNOWN.

8 (D) THE NEWBORN INFANT'S OR OTHER INFANT'S PROVIDER OF
9 AUDIOLOGICAL SERVICES, IF KNOWN.

10 (3) EACH HOSPITAL AND HEALTH PROFESSIONAL DESCRIBED IN SUB-
11 SECTION (1) SHALL RECOMMEND TO THE PARENT OR GUARDIAN OF EACH
12 NEWBORN INFANT DELIVERED BY THE HOSPITAL OR HEALTH PROFESSIONAL
13 AND DETERMINED TO BE A HEARING IMPAIRED INFANT THAT THE NEWBORN
14 INFANT OR OTHER INFANT UNDERGO AN AUDIOLOGICAL EVALUATION AS SOON
15 AS PRACTICABLE AFTER THE DETERMINATION IS MADE. THE HOSPITAL OR
16 HEALTH PROFESSIONAL SHALL ALSO PROVIDE THE PARENT OR GUARDIAN
17 WITH A LIST OF AGENCIES AND HEALTH PROFESSIONALS THAT PROVIDE
18 AUDIOLOGICAL EVALUATION SERVICES.

19 (4) A HOSPITAL WITH 500 OR FEWER BIRTHS PER YEAR MAY HAVE
20 THE HEARING IMPAIRMENT SCREENING REQUIRED UNDER THIS PART PER-
21 FORMED AT ANOTHER FACILITY.

22 SEC. 9475. A HOSPITAL OR HEALTH PROFESSIONAL DESCRIBED IN
23 SECTION 9473(1) SHALL NOT PERFORM HEARING IMPAIRMENT SCREENING ON
24 A NEWBORN INFANT OR OTHER INFANT IF THE NEWBORN INFANT'S OR OTHER
25 INFANT'S PARENT OR GUARDIAN OBJECTS IN WRITING THAT THE HEARING
26 IMPAIRMENT SCREENING VIOLATES THE PARENT'S OR GUARDIAN'S
27 RELIGIOUS BELIEFS. AN OBJECTION UNDER THIS SECTION MUST BE FILED

1 WITH THE HOSPITAL OR HEALTH PROFESSIONAL BEFORE THE HEARING
2 IMPAIRMENT IS PERFORMED.

3 SEC. 9477. UPON APPLICATION, THE DEPARTMENT OF COMMUNITY
4 HEALTH SHALL REIMBURSE A HOSPITAL OR HEALTH PROFESSIONAL WHO PER-
5 FORMS A HEARING IMPAIRMENT SCREENING UNDER SECTION 9473(1), AT A
6 RATE DETERMINED BY THE DEPARTMENT, IF BOTH OF THE FOLLOWING
7 REQUIREMENTS ARE MET:

8 (A) THE HEARING IMPAIRMENT SCREENING IS PERFORMED BEFORE THE
9 NEWBORN INFANT OR OTHER INFANT IS 3 MONTHS OF AGE.

10 (B) THE NEWBORN INFANT OR OTHER INFANT IS NOT COVERED UNDER
11 A PUBLIC OR PRIVATE HEALTH CARE PAYMENT OR BENEFITS PLAN FOR THE
12 HEARING IMPAIRMENT SCREENING AND THE PARENT OR GUARDIAN OF THE
13 NEWBORN INFANT OR OTHER INFANT IS FINANCIALLY UNABLE TO PAY FOR
14 THE HEARING IMPAIRMENT SCREENING.

15 SEC. 9479. THE DEPARTMENT OF COMMUNITY HEALTH MAY PROMUL-
16 GATE RULES TO IMPLEMENT THIS PART.