

1 A bill to be entitled
2 An act relating to newborn screenings; amending s.
3 383.145, F.S.; providing and revising definitions;
4 requiring hospitals and other state-licensed birthing
5 facilities to test for congenital cytomegalovirus in
6 newborns within a specified timeframe under certain
7 circumstances; revising the timeframe within which
8 health care providers attending home births must make
9 certain referrals; requiring certain health care
10 providers practicing in the primary care setting to
11 screen newborns in their care for hearing loss within
12 a specified timeframe; requiring such providers to
13 test such newborns for congenital cytomegalovirus
14 within a specified timeframe under certain
15 circumstances; revising the timeframe within which
16 hospitals must complete newborn hearing screenings
17 that were not completed before discharge due to
18 scheduling or temporary staffing limitations;
19 requiring that certain test results be reported to the
20 Department of Health within a specified timeframe;
21 removing a requirement that the parents of certain
22 newborns be instructed on and provided specified
23 information; removing obsolete language; removing a
24 requirement that certain uninsured persons be provided
25 a list of specified providers; providing an effective

26 | date.

27 |

28 | Be It Enacted by the Legislature of the State of Florida:

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30 | Section 1. Section 383.145, Florida Statutes, is amended
31 | to read:

32 | 383.145 Newborn and infant hearing screening.—

33 | (1) LEGISLATIVE INTENT.—It is the intent of the
34 | Legislature ~~this section is~~ to provide a statewide comprehensive
35 | and coordinated interdisciplinary program of early hearing loss
36 | ~~impairment~~ screening, identification, and follow-up ~~followup~~
37 | care for newborns. The goal is to screen all newborns for
38 | hearing loss ~~impairment~~ in order to alleviate the adverse
39 | effects of hearing loss on speech and language development,
40 | academic performance, and cognitive development. It is further
41 | the intent of the Legislature that ~~the provisions of this~~
42 | section ~~act~~ only be implemented to the extent that funds are
43 | specifically included in the General Appropriations Act for
44 | carrying out the purposes of this section.

45 | (2) DEFINITIONS.—As used in this section, the term:

46 | (a) "Audiologist" means a person licensed under part I of
47 | chapter 468 to practice audiology.

48 | ~~(a) "Agency" means the Agency for Health Care~~
49 | ~~Administration.~~

50 | (b) "Department" means the Department of Health.

51 (c) "Hearing loss impairment" means a hearing loss of 30
 52 dB HL or greater in the frequency region important for speech
 53 recognition and comprehension in one or both ears, approximately
 54 500 through 4,000 hertz.

55 (d) "Hospital" means a facility as defined in s.
 56 395.002(13) and licensed under chapter 395 and part II of
 57 chapter 408.

58 (e)-(d) "Infant" means an age range from 30 days through 12
 59 months.

60 (f)-(e) "Licensed health care provider" means a physician
 61 or physician assistant licensed under pursuant to chapter 458;
 62 an osteopathic physician or physician assistant licensed under
 63 or chapter 459; an advanced practice registered nurse, a
 64 registered nurse, or a licensed practical nurse licensed under
 65 part I of pursuant to chapter 464; a midwife licensed under
 66 chapter 467; or a speech-language pathologist, or an audiologist
 67 licensed under part I of pursuant to chapter 468, rendering
 68 services within the scope of his or her license.

69 (g)-(f) "Management" means the habilitation of the ~~hearing-~~
 70 ~~impaired~~ child with hearing loss.

71 (h)-(g) "Newborn" means an age range from birth through 29
 72 days.

73 (i) "Physician" means a person licensed under chapter 458
 74 to practice medicine or chapter 459 to practice osteopathic
 75 medicine.

76 ~~(j)(h)~~ "Screening" means a test or battery of tests
 77 administered to determine the need for an in-depth hearing
 78 diagnostic evaluation.

79 (3) REQUIREMENTS FOR SCREENING OF NEWBORNS; INSURANCE
 80 COVERAGE; REFERRAL FOR ONGOING SERVICES.—

81 (a) Each ~~licensed~~ hospital or other state-licensed
 82 birthing facility that provides maternity and newborn care
 83 services shall ensure ~~provide~~ that all newborns are, before
 84 ~~prior to~~ discharge, screened for the detection of hearing loss,
 85 to prevent the consequences of unidentified disorders. If a
 86 newborn fails the screening for the detection of hearing loss,
 87 the hospital or other state-licensed birthing facility must
 88 administer a test approved by the United States Food and Drug
 89 Administration or another diagnostically equivalent test on the
 90 newborn to screen for congenital cytomegalovirus before the
 91 newborn becomes 21 days of age or before discharge, whichever
 92 occurs earlier.

93 (b) Each licensed birth center that provides maternity and
 94 newborn care services shall ensure ~~provide~~ that all newborns
 95 are, before ~~prior to~~ discharge, referred to an ~~a~~ licensed
 96 audiologist, a physician ~~licensed under chapter 458 or chapter~~
 97 ~~459, or~~ another ~~other~~ newborn hearing screening
 98 provider, for screening for the detection of hearing loss, to
 99 prevent the consequences of unidentified disorders. ~~The referral~~
 100 ~~for appointment shall be made within 30 days after discharge.~~

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101 Written documentation of the referral must be placed in the
102 newborn's medical chart.

103 (c) If the parent or legal guardian of the newborn objects
104 to the screening, the screening must not be completed. In such
105 case, the physician, midwife, or other person who is attending
106 the newborn shall maintain a record that the screening has not
107 been performed and attach a written objection that must be
108 signed by the parent or guardian.

109 (d) For home births, the health care provider in
110 attendance is responsible for coordination and referral to an a
111 ~~licensed~~ audiologist, a physician, a hospital, or another ~~other~~
112 newborn hearing screening provider. The referral for appointment
113 must ~~shall~~ be made within 7 ~~30~~ days after the birth. ~~In cases in~~
114 ~~which the home birth is not attended by a primary health care~~
115 ~~provider, a referral to a licensed audiologist, physician~~
116 ~~licensed pursuant to chapter 458 or chapter 459, hospital, or~~
117 ~~other newborn hearing screening provider must be made by the~~
118 ~~health care provider within the first 3 months after the child's~~
119 ~~birth.~~

120 (e) Licensed health care providers practicing in the
121 primary care setting must ensure that newborns in their care are
122 screened for hearing loss within 21 days after the birth. If a
123 newborn fails the screening for the detection of hearing loss,
124 the licensed health care provider must administer a test
125 approved by the United States Food and Drug Administration or

126 another diagnostically equivalent test on the newborn to screen
 127 for congenital cytomegalovirus before the newborn becomes 21
 128 days of age.

129 (f)~~(e)~~ All newborn and infant hearing screenings must
 130 ~~shall~~ be conducted by an ~~a licensed~~ audiologist, a physician
 131 ~~licensed under chapter 458 or chapter 459,~~ or an appropriately
 132 supervised individual who has completed documented training
 133 specifically for newborn hearing screening. Every ~~licensed~~
 134 hospital that provides maternity or newborn care services shall
 135 obtain the services of an ~~a licensed~~ audiologist, a physician
 136 ~~licensed pursuant to chapter 458 or chapter 459,~~ or another
 137 ~~other~~ newborn hearing screening provider, through employment or
 138 contract or written memorandum of understanding, for the
 139 purposes of appropriate staff training, screening program
 140 supervision, monitoring the scoring and interpretation of test
 141 results, rendering of appropriate recommendations, and
 142 coordination of appropriate follow-up ~~followup~~ services.
 143 Appropriate documentation of the screening completion, results,
 144 interpretation, and recommendations must be placed in the
 145 medical record within 24 hours after completion of the screening
 146 procedure.

147 (g)~~(f)~~ The screening of a newborn's hearing must ~~should~~ be
 148 completed before the newborn is discharged from the hospital.
 149 However, if the screening is not completed before discharge due
 150 to scheduling or temporary staffing limitations, the screening

151 must be completed within 21 ~~30~~ days after the birth ~~discharge~~.
 152 Screenings completed after discharge or performed because of
 153 initial screening failure must be completed by an audiologist
 154 ~~licensed in the state, a physician licensed under chapter 458 or~~
 155 ~~chapter 459, or a hospital,~~ or another ~~other~~ newborn hearing
 156 screening provider.

157 (h) ~~(g)~~ Each hospital shall formally designate a lead
 158 physician responsible for programmatic oversight for newborn
 159 hearing screening. Each birth center shall designate a licensed
 160 health care provider to provide such programmatic oversight and
 161 to ensure that the appropriate referrals are being completed.

162 (i) ~~(h)~~ When ordered by the treating physician, screening
 163 of a newborn's hearing must include auditory brainstem
 164 responses, or evoked otoacoustic ~~otacoustic~~ emissions, or
 165 appropriate technology as approved by the United States Food and
 166 Drug Administration.

167 (j) The results of any test conducted pursuant to this
 168 section, including, but not limited to, newborn hearing loss
 169 screening, congenital cytomegalovirus testing, and any related
 170 diagnostic testing, must be reported to the department within 7
 171 days after receipt of such results.

172 ~~(i) Newborn hearing screening must be conducted on all~~
 173 ~~newborns in hospitals in this state on birth admission. When a~~
 174 ~~newborn is delivered in a facility other than a hospital, the~~
 175 ~~parents must be instructed on the importance of having the~~

176 ~~hearing screening performed and must be given information to~~
 177 ~~assist them in having the screening performed within 3 months~~
 178 ~~after the child's birth.~~

179 (k)~~(j)~~ The initial procedure for screening the hearing of
 180 the newborn or infant and any medically necessary follow-up
 181 ~~followup~~ reevaluations leading to diagnosis shall be a covered
 182 benefit for, ~~reimbursable under Medicaid as an expense~~
 183 ~~compensated supplemental to the per diem rate for Medicaid~~
 184 ~~patients enrolled in MediPass or Medicaid patients covered by a~~
 185 fee-for-service ~~fee for service~~ program. For Medicaid patients
 186 enrolled in HMOs, providers shall be reimbursed directly by the
 187 Medicaid Program Office at the Medicaid rate. This service may
 188 not be considered a covered service for the purposes of
 189 establishing the payment rate for Medicaid HMOs. All health
 190 insurance policies and health maintenance organizations as
 191 provided under ss. 627.6416, 627.6579, and 641.31(30), except
 192 for supplemental policies that only provide coverage for
 193 specific diseases, hospital indemnity, or Medicare supplement,
 194 or to the supplemental polices, shall compensate providers for
 195 the covered benefit at the contracted rate. Nonhospital-based
 196 providers are ~~shall be~~ eligible to bill Medicaid for the
 197 professional and technical component of each procedure code.

198 (l)~~(k)~~ A child who is diagnosed as having a permanent
 199 hearing loss must ~~impairment shall~~ be referred to the primary
 200 care physician for medical management, treatment, and follow-up

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201 ~~followup~~ services. Furthermore, in accordance with Part C of the
202 Individuals with Disabilities Education Act, Pub. L. No. 108-
203 446, Infants and Toddlers with Disabilities, any child from
204 birth to 36 months of age who is diagnosed as having a hearing
205 loss ~~impairment~~ that requires ongoing special hearing services
206 must be referred to the Children's Medical Services Early
207 Intervention Program serving the geographical area in which the
208 child resides.

209 ~~(1) Any person who is not covered through insurance and~~
210 ~~cannot afford the costs for testing shall be given a list of~~
211 ~~newborn hearing screening providers who provide the necessary~~
212 ~~testing free of charge.~~

213 Section 2. This act shall take effect January 1, 2023.