



304450

576-02110-22

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to newborn screenings; amending s.  
383.145, F.S.; revising and defining terms; requiring  
hospitals and other state-licensed birthing facilities  
to test for congenital cytomegalovirus in newborns  
within a specified timeframe under certain  
circumstances; revising the timeframe in which health  
care providers attending home births must make certain  
referrals; requiring certain health care providers  
practicing in the primary care setting to screen  
certain newborns in their care for hearing loss within  
a specified timeframe; requiring such providers to  
test such newborns for congenital cytomegalovirus  
within a specified timeframe under certain  
circumstances; revising the timeframe within which  
hospitals must complete newborn hearing screenings  
that were not completed before discharge due to  
temporary staffing or scheduling limitations;  
providing that certain test results must be reported  
to the Department of Health within a specified  
timeframe; deleting a requirement that the parents of  
certain newborns be instructed on and provided  
specified information; revising a provision related to  
Medicaid coverage of newborn hearing screenings and  
follow-up reevaluations to delete obsolete language;  
deleting a requirement that certain uninsured persons  
be provided a list of specified providers; providing



304450

576-02110-22

28 an effective date.

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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Section 383.145, Florida Statutes, is amended to  
33 read:

34 383.145 Newborn and infant hearing screening.—

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

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

48 (a) "Audiologist" means a person licensed under part I of  
49 chapter 468 to practice audiology ~~"Agency" means the Agency for~~  
50 ~~Health Care Administration.~~

51 (b) "Department" means the Department of Health.

52 (c) "Hearing loss ~~impairment~~" means a hearing loss of 30 dB  
53 HL or greater in the frequency region important for speech  
54 recognition and comprehension in one or both ears, approximately  
55 500 through 4,000 hertz.

56 (d) "Hospital" means a facility as defined in s.



304450

576-02110-22

57 395.002(13) and licensed under chapter 395 and part II of  
58 chapter 408.

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

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

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

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

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

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

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

82 (a) Each ~~licensed~~ hospital or other state-licensed birthing  
83 facility that provides maternity and newborn care services shall  
84 ensure provide that all newborns are, before ~~prior to~~ discharge,  
85 screened for the detection of hearing loss, ~~to prevent the~~



304450

576-02110-22

86 consequences of unidentified disorders. If a newborn fails the  
87 screening for the detection of hearing loss, the hospital or  
88 other state-licensed birthing facility must administer a test  
89 approved by the United States Food and Drug Administration or  
90 another diagnostically equivalent test on the newborn to screen  
91 for congenital cytomegalovirus before the newborn becomes 21  
92 days of age or before discharge, whichever 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~~ a hospital, 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.~~  
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 attendance  
110 is responsible for coordination and referral to an ~~a~~ licensed  
111 audiologist, a physician, a hospital, or another ~~other~~ newborn  
112 hearing screening provider. The referral for appointment must  
113 ~~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~~



304450

576-02110-22

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) Each licensed health care provider practicing in the  
121 primary care setting must ensure that a newborn in his or her  
122 care whose birth was not attended by a health care provider is  
123 screened for hearing loss within 21 days after the birth. If a  
124 newborn fails the screening for the detection of hearing loss,  
125 the licensed health care provider must administer a test  
126 approved by the United States Food and Drug Administration or  
127 another diagnostically equivalent test on the newborn to screen  
128 for congenital cytomegalovirus before the newborn becomes 21  
129 days of age.

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



304450

576-02110-22

144 documentation of the screening completion, results,  
145 interpretation, and recommendations must be placed in the  
146 medical record within 24 hours after completion of the screening  
147 procedure.

148 (g)~~(f)~~ The screening of a newborn's hearing must ~~should~~ be  
149 completed before the newborn is discharged from the hospital.  
150 However, if the screening is not completed before discharge due  
151 to scheduling or temporary staffing limitations, the screening  
152 must be completed within 21 ~~30~~ days after the birth ~~discharge~~.  
153 Screenings completed after discharge or performed because of  
154 initial screening failure must be completed by an audiologist  
155 ~~licensed in the state~~, a physician ~~licensed under chapter 458 or~~  
156 ~~chapter 459~~, ~~or~~ a hospital, or another ~~other~~ newborn hearing  
157 screening provider.

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

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

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



304450

576-02110-22

173 ~~must be conducted on all newborns in hospitals in this state on~~  
174 ~~birth admission. When a newborn is delivered in a facility other~~  
175 ~~than a hospital, the parents must be instructed on the~~  
176 ~~importance of having the hearing screening performed and must be~~  
177 ~~given information to assist them in having the screening~~  
178 ~~performed within 3 months 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 program. For Medicaid patients enrolled in HMOs,~~  
186 ~~providers shall be reimbursed directly by the Medicaid Program~~  
187 ~~Office at the Medicaid rate. This service may not be considered~~  
188 ~~a covered service for the purposes of establishing the payment~~  
189 ~~rate for Medicaid HMOs. All health insurance policies and health~~  
190 ~~maintenance organizations as provided under ss. 627.6416,~~  
191 ~~627.6579, and 641.31(30), except for supplemental policies that~~  
192 ~~only provide coverage for specific diseases, hospital indemnity,~~  
193 ~~or Medicare supplement, or to the supplemental policies, shall~~  
194 ~~compensate providers for the covered benefit at the contracted~~  
195 ~~rate. Nonhospital-based providers are ~~shall be~~ eligible to bill~~  
196 ~~Medicaid for the professional and technical component of each~~  
197 ~~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  
201 ~~followup~~ services. Furthermore, in accordance with Part C of the



304450

576-02110-22

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.