

1                                   A bill to be entitled  
 2           An act relating to newborn hearing screenings;  
 3           amending s. 383.145, F.S.; defining the term  
 4           "congenital cytomegalovirus test"; revising newborn  
 5           hearing screening requirements to require that all  
 6           newborns, rather than only those who fail the initial  
 7           newborn hearing screening, be tested for congenital  
 8           cytomegalovirus; providing an effective date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

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 12           Section 1. Paragraphs (b) through (j) of subsection (2) of  
 13           section 383.145, Florida Statutes, are redesignated as  
 14           paragraphs (c) through (k), respectively, a new paragraph (b) is  
 15           added to that subsection, paragraphs (f) through (l) of  
 16           subsection (3) are redesignated as paragraphs (e) through (k),  
 17           respectively, and paragraphs (a) through (d) and present  
 18           paragraphs (e) and (g) of subsection (3) of that section are  
 19           amended, to read:

20           383.145 Newborn and infant hearing screening.—

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

22           (b) "Congenital cytomegalovirus test" means a test  
 23           approved by the United States Food and Drug Administration or  
 24           another diagnostically equivalent test to screen newborns for  
 25           congenital cytomegalovirus.

26           (3) REQUIREMENTS FOR SCREENING OF NEWBORNS; INSURANCE  
27 COVERAGE; REFERRALS ~~REFERRAL~~ FOR ONGOING SERVICES.—

28           (a) Each hospital or other state-licensed birthing  
29 facility that provides maternity and newborn care services shall  
30 ensure that all newborns are, before discharge, screened for the  
31 detection of hearing loss to prevent the consequences of  
32 unidentified disorders. ~~If a newborn fails the screening for the~~  
33 ~~detection of hearing loss,~~ The hospital or other state-licensed  
34 birthing facility must also administer a congenital  
35 cytomegalovirus test ~~approved by the United States Food and Drug~~  
36 ~~Administration or another diagnostically equivalent test~~ on the  
37 newborn ~~to screen for congenital cytomegalovirus~~ before the  
38 newborn becomes 21 days of age or before discharge, whichever  
39 occurs earlier.

40           (b) Each licensed birth center that provides maternity and  
41 newborn care services shall ensure that all newborns are, before  
42 discharge, referred to an audiologist, a hospital, or another  
43 newborn hearing screening provider for screening for the  
44 detection of hearing loss to prevent the consequences of  
45 unidentified disorders and referred for administration of a  
46 congenital cytomegalovirus test. The referrals ~~referral~~ for  
47 appointment must be made within 7 days after discharge. Written  
48 documentation of the referrals ~~referral~~ must be placed in the  
49 newborn's medical chart.

50           (c) If the parent or legal guardian of the newborn objects

51 to the screening or testing, the screening or testing, as  
52 applicable, must not be completed. In such case, the physician,  
53 midwife, or other person attending the newborn shall maintain a  
54 record that the screening or testing has not been performed and  
55 attach a written objection that must be signed by the parent or  
56 guardian.

57 (d) For home births, the health care provider in  
58 attendance is responsible for coordinating the referral of the  
59 newborn ~~coordination and referral~~ to an audiologist, a hospital,  
60 or another newborn hearing screening provider for screening for  
61 the detection of hearing loss and for coordinating the referral  
62 for the administration of a congenital cytomegalovirus test. The  
63 health care provider in attendance must make the referrals  
64 ~~referral~~ for appointment within 7 days after the birth. In cases  
65 in which the home birth is not attended by a health care  
66 provider, the newborn's primary health care provider is  
67 responsible for coordinating the referrals ~~referral~~.

68 ~~(e) For home births and births in a licensed birth center,~~  
69 ~~if a newborn is referred to a newborn hearing screening provider~~  
70 ~~and the newborn fails the screening for the detection of hearing~~  
71 ~~loss, the newborn's primary health care provider must refer the~~  
72 ~~newborn for administration of a test approved by the United~~  
73 ~~States Food and Drug Administration or another diagnostically~~  
74 ~~equivalent test on the newborn to screen for congenital~~  
75 ~~eytomegalovirus.~~

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76 |        ~~(f)-(g)~~ The screening of a newborn's hearing and the  
77 | administration of a congenital cytomegalovirus test on the  
78 | newborn must be completed before the newborn is discharged from  
79 | the hospital. However, if the screening and testing is not  
80 | completed before discharge due to scheduling or temporary  
81 | staffing limitations, the screening and testing must be  
82 | completed within 21 days after the birth. Screenings and testing  
83 | completed after discharge or performed because of initial  
84 | screening failure must be completed by an audiologist, a  
85 | physician, a hospital, or another newborn hearing screening  
86 | provider.

87 |        Section 2. This act shall take effect July 1, 2023.