

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 referrals; providing that a newborn's primary health
10 care provider is responsible for coordinating such
11 referrals under certain circumstances; requiring a
12 newborn's primary health care provider to refer the
13 newborn for testing for congenital cytomegalovirus
14 under certain circumstances; revising the timeframe
15 within which hospitals must complete newborn hearing
16 screenings that were not completed before discharge
17 due to scheduling or temporary staffing limitations;
18 requiring that certain test results be reported to the
19 Department of Health within a specified timeframe;
20 removing a requirement that the parents of certain
21 newborns be instructed on and provided specified
22 information; removing obsolete language; removing a
23 requirement that certain uninsured persons be provided
24 a list of specified providers; providing an effective
25 date.

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

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

383.145 Newborn and infant hearing screening.—

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

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

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

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

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

(c) "Hearing loss ~~impairment~~" means a hearing loss of 30

51 dB HL or greater in the frequency region important for speech
 52 recognition and comprehension in one or both ears, approximately
 53 500 through 4,000 hertz.

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

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

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

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

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

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

75 (j)-(h) "Screening" means a test or battery of tests

76 administered to determine the need for an in-depth hearing
 77 diagnostic evaluation.

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

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

92 (b) Each licensed birth center that provides maternity and
 93 newborn care services shall ensure ~~provide~~ that all newborns
 94 are, before ~~prior to~~ discharge, referred to an ~~a licensed~~
 95 audiologist, ~~a physician licensed under chapter 458 or chapter~~
 96 ~~459, or a hospital, or another other~~ newborn hearing screening
 97 provider~~r~~ for screening for the detection of hearing loss~~r~~ to
 98 prevent the consequences of unidentified disorders. The referral
 99 for appointment must ~~shall~~ be made within 7 ~~30~~ days after
 100 discharge. Written documentation of the referral must be placed

101 in the newborn's medical chart.

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

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

121 (e) For home births and births in a licensed birth center,
 122 if a newborn is referred to a newborn hearing screening provider
 123 and the newborn fails the screening for the detection of hearing
 124 loss, the newborn's primary health care provider must refer the
 125 newborn for administration of a test approved by the United

126 States Food and Drug Administration or another diagnostically
 127 equivalent test on the newborn to screen for congenital
 128 cytomegalovirus.

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.