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AN ACT

1
2 relating to newborn hearing screenings and hearing services for
3 certain children.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subdivision (2), Section 47.001, Health and
6 Safety Code, is amended to read as follows:

7 (2) "Birthing facility" means:

8 (A) a hospital licensed under Chapter 241 that
9 offers obstetrical services [~~and is located in a county with a~~
10 ~~population of more than 50,000~~]; [~~or~~

11 (B) a birthing center licensed under Chapter 244;

12 (C) a children's hospital; or

13 (D) a facility, maintained or operated by this
14 state or an agency of this state, that provides obstetrical
15 services [~~that is located in a county with a population of more than~~
16 ~~50,000 and that has 100 or more births per year~~].

17 SECTION 2. Chapter 47, Health and Safety Code, is amended by
18 adding Section 47.0035 to read as follows:

19 Sec. 47.0035. REFERRAL TO PROGRAM BY MIDWIFE. (a) In this
20 section, "midwife" has the meaning assigned by Section 203.002,
21 Occupations Code.

22 (b) A midwife who attends the birth of a newborn:

23 (1) is not required to offer the parents of a newborn a
24 hearing screening for the newborn for the identification of hearing

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1 loss; and

2 (2) shall refer the parents of the newborn to a
3 birthing facility or a provider that participates in the program.

4 SECTION 3. Section 47.007, Health and Safety Code, is
5 amended by amending Subsections (a) and (c) and adding Subsections
6 (d) through (g) to read as follows:

7 (a) The department shall provide each birthing facility
8 that provides newborn hearing screening under the state's medical
9 assistance program provided under Chapter 32, Human Resources Code,
10 with access to the appropriate information management, reporting,
11 and tracking system [~~software~~] for the program. The information
12 management, reporting, and tracking system must be capable of
13 providing the department with information and data necessary to
14 plan, monitor, and evaluate the program, including the program's
15 screening, follow-up, diagnostic, and intervention components.

16 (c) A birthing facility described by Subsection (a) shall
17 report the resulting information in the format and within the time
18 frame specified by the department.

19 (d) A qualified hearing screening provider, audiologist,
20 intervention specialist, educator, or other person who receives a
21 referral from a program under this chapter shall:

22 (1) provide the services needed by the child or refer
23 the child to a person who provides the services needed by the child;
24 and

25 (2) provide, with the consent of the child's parent,
26 the following information to the department or the department's
27 designee:

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1 (A) results of follow-up care;
2 (B) results of audiologic testing of infants
3 identified with hearing loss; and
4 (C) reports on the initiation of intervention
5 services.

6 (e) A qualified hearing screening provider, audiologist,
7 intervention specialist, educator, or other person who provides
8 services to infants who are diagnosed with hearing loss shall
9 provide, with the consent of the infant's parent, the following
10 information to the department or the department's designee:

11 (1) results of follow-up services;
12 (2) results of audiologic testing of infants
13 identified with hearing loss; and
14 (3) reports on the initiation of intervention
15 services.

16 (f) A hospital that provides services under this chapter
17 shall use the information management, reporting, and tracking
18 system, which the department has provided the hospital with access
19 to, to report, with the consent of the infant's parent, the
20 following information to the department or the department's
21 designee:

22 (1) results of all follow-up services for infants who
23 do not pass the birth admission screening if the hospital provides
24 the follow-up services; or
25 (2) the name of the provider or facility where the
26 hospital refers an infant who does not pass the birth admission
27 screening for follow-up services.

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1 (g) The department shall ensure that the written consent of
2 a parent is obtained before any information individually
3 identifying the newborn or infant is released through the
4 information management, reporting, and tracking system.

5 SECTION 4. Section 47.002, Health and Safety Code, is
6 repealed.

7 SECTION 5. Notwithstanding Subdivision (2), Section
8 47.001, Health and Safety Code, as amended by this Act, the change
9 in law made by this Act applies only to a birth admission at a
10 birthing facility on or after September 1, 2012.

11 SECTION 6. This Act takes effect September 1, 2011.

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Stephen Croft
President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 229 passed the Senate on April 7, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2011, by the following vote: Yeas 31, Nays 0.

Datay Gaud
Secretary of the Senate

I hereby certify that S.B. No. 229 passed the House, with amendment, on May 23, 2011, by the following vote: Yeas 142, Nays 0, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

17 JUN '11
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00 PM O'CLOCK

JUN 17 2011
Boyer Roberts
Secretary of State