

NEWBORN HEARING SCREENING

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Craig A. Peterson

AN ACT RELATING TO HEALTH; REQUIRING THE TESTING OF NEWBORN INFANTS FOR HEARING LOSS; CREATING A HEALTH DEPARTMENT ADVISORY COMMITTEE; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

26-10-6, as enacted by Chapter 126, Laws of Utah 1981

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-10-6** is amended to read:

26-10-6. Testing of newborn infants.

(1) ~~[The department shall establish rules requiring]~~ Except § [as provided in Section

26-23-10,] IN THE CASE WHERE PARENTS OBJECT ON THE GROUNDS THAT THEY ARE MEMBERS

OF A SPECIFIED, WELL RECOGNIZED RELIGIOUS ORGANIZATION WHOSE TEACHINGS ARE

CONTRARY TO THE TESTS REQUIRED BY THIS SECTION, § each newborn infant [to] shall be tested

for [the presence of]:

(a) phenylketonuria (PKU) [and];

(b) other metabolic diseases which may result in mental retardation or brain damage and for which:

(i) a preventive measure or treatment is available; and [for which]

(ii) there exists a reliable laboratory diagnostic test method [has been found reliable. The department may charge a fee for such tests, sufficient to cover costs for laboratory analysis and follow-up. Such fees shall be handled in accordance with Section 26-1-6. The provisions of this section shall not apply to any infant whose parents object thereto on the grounds that they are members of a specified, well recognized religious organization whose teachings are contrary to such tests.]; and

- 26 (c) § (i) BEGINNING JULY 1, 1998, FOR AN INFANT BORN IN A HOSPITAL WITH 100 OR MORE
- 26a LIVE BIRTHS ANNUALLY, § hearing loss § ; AND
- 26b (ii) BEGINNING JULY 1, 1999, FOR AN INFANT BORN IN A SETTING OTHER THAN A HOSPITAL
- 26c WITH 100 OR MORE LIVE BIRTHS ANNUALLY, HEARING LOSS § .
- 27 (2) In accordance with Section 26-1-6, the department may charge fees for:

- 1 (a) materials supplied by the department to conduct tests required under Subsection (1);
- 2 (b) tests required under Subsection (1) conducted by the department;
- 3 (c) laboratory analyses by the department of tests conducted under Subsection (1); and
- 4 (d) the administrative cost of follow-up contacts with the parents or guardians of tested
- 5 infants.

6 (3) Tests for hearing loss under Subsection (1) shall be based on one or more methods
 7 approved by the Newborn Hearing Screening Committee, including:

- 8 (a) auditory brainstem response;
- 9 (b) automated auditory brainstem response; and
- 10 (c) evoked otoacoustic emissions.

11 (4) § [(a)] § Results of tests for hearing loss under Subsection (1) shall be reported to § : [the
 12 department.

13 ~~— (b) The department shall notify parents] (a) PARENTS § when results of tests for hearing~~
 13a ~~loss under~~
 14 ~~Subsection (1) suggest that additional diagnostic procedures or medical interventions are~~
 15 ~~necessary § ; AND~~

15a (b) THE DEPARTMENT § .

16 (5) (a) There is established the Newborn Hearing Screening Committee.

17 (b) The committee shall advise the department on:

- 18 (i) the validity and cost of newborn infant hearing loss testing procedures; and
- 19 (ii) rules promulgated by the department to implement this section.

20 (c) The committee shall be composed of at least 11 members appointed by the executive
 21 director, including:

- 22 (i) one representative of the health insurance industry;
- 23 (ii) one pediatrician;
- 24 (iii) one family practitioner;
- 25 (iv) one ear, nose, and throat specialist nominated by the Utah Medical Association;
- 26 (v) two audiologists nominated by the Utah Speech-Language-Hearing Association;
- 27 (vi) one representative of hospital neonatal nurseries;
- 28 (vii) one representative of the Early Intervention Baby Watch Program administered by
 29 the department;
- 30 (viii) one public health nurse;
- 31 (ix) one consumer; and

1 (x) the executive director or his designee.

2 (d) Of the initial members of the committee, the executive director shall appoint as nearly
3 as possible 1/2 to two-year terms and 1/2 to four-year terms. Thereafter, appointments shall be for
4 four-year terms except:

5 (i) for those members who have been appointed to complete an unexpired term; and

6 (ii) as necessary to ensure that as nearly as possible the terms of 1/2 the appointments
7 expire every two years.

8 (e) A majority of the members constitute a quorum and a vote of the majority of the
9 members present constitutes an action of the committee.

10 (f) The committee shall appoint a chairman from its membership.

11 (g) The committee shall meet at least quarterly.

12 (h) (i) (A) Members who are not government employees shall receive no compensation
13 or benefits for their services, but may receive per diem and expenses incurred in the performance
14 of the member's official duties at the rates established by the Division of Finance under Sections
15 63A-3-106 and 63A-3-107.

16 (B) Members may decline to receive per diem and expenses for their service.

17 (ii) (A) State government officer and employee members who do not receive salary, per
18 diem, or expenses from their agency for their service may receive per diem and expenses incurred
19 in the performance of their official duties from the committee at the rates established by the
20 Division of Finance under Sections 63A-3-106 and 63A-3-107.

21 (B) State government officer and employee members may decline to receive per diem and
22 expenses for their service.

23 (i) The department shall provide staff for the committee.

24 Section 2. **Effective date.**

25 This act takes effect on July 1, 1998.

Legislative Review Note
as of 1-21-98 2:05 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

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