

**UTAH SCHOOLS FOR THE DEAF AND THE BLIND
REFERRAL AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

Senate Sponsor: Howard A. Stephenson

LONG TITLE

General Description:

This bill amends provisions related to educational services for an individual with a hearing loss.

Highlighted Provisions:

This bill:

- requires reporting results of a test for hearing loss to the Utah Schools for the Deaf and the Blind **→ and an early intervention program ←** under certain circumstances;
- requires the Utah Schools for the Deaf and the Blind to provide educational services to certain individuals; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-10-6, as last amended by Laws of Utah 2013, Chapter 132

53A-25b-301, as enacted by Laws of Utah 2009, Chapter 294

ENACTS:



59 reported to:

60 ~~[(a) parents when results of tests for hearing loss under Subsection (1) suggest that~~
61 ~~additional diagnostic procedures or medical interventions are necessary; and]~~

62 ~~[(b)] (a) the department[-]; and~~

63 ~~(b) when results of tests for hearing loss under Subsection (1) suggest that additional~~
64 ~~diagnostic procedures or medical interventions are necessary:~~

65 ~~(i) a parent or guardian of the infant; ~~§~~→ [and]~~

65a ~~(ii) an early intervention program administered by the department in accordance with~~

65b ~~Part C of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1431 et seq.; and ~~←~~§~~

66 ~~§~~→ ~~[(ii)] (iii) ~~←~~§~~ the Utah Schools for the Deaf and the Blind, created in Section

66a [53A-25b-103.](#)

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

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

69 (i) the validity and cost of newborn infant hearing loss testing procedures; and

70 (ii) rules promulgated by the department to implement this section.

71 (c) The committee shall be composed of at least 11 members appointed by the

72 executive director, including:

73 (i) one representative of the health insurance industry;

74 (ii) one pediatrician;

75 (iii) one family practitioner;

76 (iv) one ear, nose, and throat specialist nominated by the Utah Medical Association;

77 (v) two audiologists nominated by the Utah Speech-Language-Hearing Association;

78 (vi) one representative of hospital neonatal nurseries;

79 (vii) one representative of the Early Intervention Baby Watch Program administered by

80 the department;

81 (viii) one public health nurse;

82 (ix) one consumer; and

83 (x) the executive director or ~~[his]~~ the executive director's designee.

84 (d) Of the initial members of the committee, the executive director shall appoint as

85 nearly as possible half to two-year terms and half to four-year terms. Thereafter, appointments

86 shall be for four-year terms except:

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

88 (ii) as necessary to ensure that as nearly as possible the terms of half the appointments

89 expire every two years.

90 (e) A majority of the members constitute a quorum, and a vote of the majority of the
91 members present constitutes an action of the committee.

92 (f) The committee shall appoint a chairman from [its] the committee's membership.

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

94 (h) A member may not receive compensation or benefits for the member's service, but
95 may receive per diem and travel expenses in accordance with:

96 (i) Section [63A-3-106](#);

97 (ii) Section [63A-3-107](#); and

98 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
99 [63A-3-107](#).

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

101 (6) [~~Prior to~~] Before implementing the test required by Subsection (1)(d), the
102 department shall conduct a pilot program for testing newborns for critical congenital heart
103 defects using pulse oximetry. The pilot program shall include the development of:

104 (a) appropriate oxygen saturation levels that would indicate a need for further medical
105 follow-up; and

106 (b) the best methods for implementing the pulse oximetry screening in newborn care
107 units.

108 Section 2. Section [26-10-12](#) is enacted to read:

109 **[26-10-12. Reporting results of a test for hearing loss.](#)**

110 (1) As used in this section, "health care provider" means the same as that term is
111 defined in Section [78B-3-403](#).

112 (2) ~~Ĥ~~→ [A] Except as provided in Subsection (3), a ←Ĥ health care provider shall report
112a results of a test for hearing loss to the Utah
113 Schools for the Deaf and the Blind if:

114 (a) the results suggest that additional diagnostic procedures or medical interventions
115 are necessary; and

116 (b) the individual tested for hearing loss is under the age of 22.

116a ~~Ĥ~~→ (3) **A health care provider may not make the report of an individual's results described**
116b **in Subsection (2) if the health care provider receives a request to not make the report from:**

116c (a) **the individual, if the individual is not a minor; or**

116d (b) **the individual's parent or guardian, if the individual is a minor.** ←Ĥ

117 Section 3. Section [53A-25b-301](#) is amended to read:

118 **[53A-25b-301. Eligibility for services of the Utah Schools for the Deaf and the](#)**
119 **[Blind.](#)**

120 (1) Except as provided in Subsections (3) [~~and~~], (4), and (5), a person is eligible to