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1  
2 An act relating to newborn screenings; amending s.  
3 383.145, F.S.; revising and defining terms; requiring  
4 hospitals and other state-licensed birthing facilities  
5 to test for congenital cytomegalovirus in newborns  
6 within a specified timeframe under certain  
7 circumstances; revising the timeframe in which health  
8 care providers attending home births must make certain  
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 deleting a requirement that the parents of certain  
21 newborns be instructed on and provided specified  
22 information; deleting obsolete language; deleting a  
23 requirement that certain uninsured persons be provided  
24 a list of specified providers; providing an effective  
25 date.

26  
27 Be It Enacted by the Legislature of the State of Florida:  
28

29 Section 1. Section 383.145, Florida Statutes, is amended to

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30 read:

31 383.145 Newborn and infant hearing screening.—

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

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

45 (a) "Audiologist" means a person licensed under part I of  
46 chapter 468 to practice audiology ~~"Agency" means the Agency for~~  
47 ~~Health Care Administration.~~

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

49 (c) "Hearing loss ~~impairment~~" means a hearing loss of 30 dB  
50 HL or greater in the frequency region important for speech  
51 recognition and comprehension in one or both ears, approximately  
52 500 through 4,000 hertz.

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

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

58 (f) ~~(e)~~ "Licensed health care provider" means a physician or

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

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

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

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

74 (j) ~~(h)~~ "Screening" means a test or battery of tests  
75 administered to determine the need for an in-depth hearing  
76 diagnostic evaluation.

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

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

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88 for congenital cytomegalovirus before the newborn becomes 21  
89 days of age or before discharge, whichever occurs earlier.

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

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

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

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117 ~~care provider within the first 3 months after the child's birth.~~

118       (e) For home births and births in a licensed birth center,  
119 if a newborn is referred to a newborn hearing screening provider  
120 and the newborn fails the screening for the detection of hearing  
121 loss, the newborn's primary health care provider must refer the  
122 newborn for administration of a test approved by the United  
123 States Food and Drug Administration or another diagnostically  
124 equivalent test on the newborn to screen for congenital  
125 cytomegalovirus.

126       (f) All newborn and infant hearing screenings must ~~shall~~ be  
127 conducted by an ~~a licensed~~ audiologist, a physician ~~licensed~~  
128 ~~under chapter 458 or chapter 459,~~ or an appropriately supervised  
129 individual who has completed documented training specifically  
130 for newborn hearing screening. Every ~~licensed~~ hospital that  
131 provides maternity or newborn care services shall obtain the  
132 services of an ~~a licensed~~ audiologist, a physician ~~licensed~~  
133 ~~pursuant to chapter 458 or chapter 459,~~ or another ~~other~~ newborn  
134 hearing screening provider, through employment or contract or  
135 written memorandum of understanding, for the purposes of  
136 appropriate staff training, screening program supervision,  
137 monitoring the scoring and interpretation of test results,  
138 rendering of appropriate recommendations, and coordination of  
139 appropriate follow-up ~~followup~~ services. Appropriate  
140 documentation of the screening completion, results,  
141 interpretation, and recommendations must be placed in the  
142 medical record within 24 hours after completion of the screening  
143 procedure.

144       (g) ~~(f)~~ The screening of a newborn's hearing must ~~should~~ be  
145 completed before the newborn is discharged from the hospital.

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146 However, if the screening is not completed before discharge due  
147 to scheduling or temporary staffing limitations, the screening  
148 must be completed within 21 ~~30~~ days after the birth ~~discharge~~.  
149 Screenings completed after discharge or performed because of  
150 initial screening failure must be completed by an audiologist  
151 ~~licensed in the state, a physician licensed under chapter 458 or~~  
152 ~~chapter 459, or a hospital, or another other~~ newborn hearing  
153 screening provider.

154 (h) ~~(g)~~ Each hospital shall formally designate a lead  
155 physician responsible for programmatic oversight for newborn  
156 hearing screening. Each birth center shall designate a licensed  
157 health care provider to provide such programmatic oversight and  
158 to ensure that the appropriate referrals are being completed.

159 (i) ~~(h)~~ When ordered by the treating physician, screening of  
160 a newborn's hearing must include auditory brainstem responses,  
161 or evoked otoacoustic ~~otacoustic~~ emissions, or appropriate  
162 technology as approved by the United States Food and Drug  
163 Administration.

164 (j) ~~(i)~~ The results of any test conducted pursuant to this  
165 section, including, but not limited to, newborn hearing loss  
166 screening, congenital cytomegalovirus testing, and any related  
167 diagnostic testing, must be reported to the department within 7  
168 days after receipt of such results ~~Newborn hearing screening~~  
169 ~~must be conducted on all newborns in hospitals in this state on~~  
170 ~~birth admission. When a newborn is delivered in a facility other~~  
171 ~~than a hospital, the parents must be instructed on the~~  
172 ~~importance of having the hearing screening performed and must be~~  
173 ~~given information to assist them in having the screening~~  
174 ~~performed within 3 months after the child's birth.~~

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175        ~~(k)(j)~~ The initial procedure for screening the hearing of  
176 the newborn or infant and any medically necessary follow-up  
177 ~~followup~~ reevaluations leading to diagnosis shall be a covered  
178 benefit for, ~~reimbursable under Medicaid as an expense~~  
179 ~~compensated supplemental to the per diem rate for Medicaid~~  
180 ~~patients enrolled in MediPass or Medicaid patients covered by a~~  
181 fee-for-service ~~fee for service~~ program. For Medicaid patients  
182 enrolled in HMOs, providers shall be reimbursed directly by the  
183 Medicaid Program Office at the Medicaid rate. This service may  
184 not be considered a covered service for the purposes of  
185 establishing the payment rate for Medicaid HMOs. All health  
186 insurance policies and health maintenance organizations as  
187 provided under ss. 627.6416, 627.6579, and 641.31(30), except  
188 for supplemental policies that only provide coverage for  
189 specific diseases, hospital indemnity, or Medicare supplement,  
190 or to the supplemental polices, shall compensate providers for  
191 the covered benefit at the contracted rate. Nonhospital-based  
192 providers are ~~shall be~~ eligible to bill Medicaid for the  
193 professional and technical component of each procedure code.

194        ~~(l)(k)~~ A child who is diagnosed as having a permanent  
195 hearing loss must ~~impairment shall~~ be referred to the primary  
196 care physician for medical management, treatment, and follow-up  
197 ~~followup~~ services. Furthermore, in accordance with Part C of the  
198 Individuals with Disabilities Education Act, Pub. L. No. 108-  
199 446, Infants and Toddlers with Disabilities, any child from  
200 birth to 36 months of age who is diagnosed as having a hearing  
201 loss ~~impairment~~ that requires ongoing special hearing services  
202 must be referred to the Children's Medical Services Early  
203 Intervention Program serving the geographical area in which the

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204 child resides.

205 ~~(1) Any person who is not covered through insurance and~~  
206 ~~cannot afford the costs for testing shall be given a list of~~  
207 ~~newborn hearing screening providers who provide the necessary~~  
208 ~~testing free of charge.~~

209 Section 2. This act shall take effect January 1, 2023.