

Nebraska Statutes

Infant Hearing Act

**71-4734. Act, how cited.**

Sections 71-4734 to 71-4744 shall be known and may be cited as the Infant Hearing Act.

**Source:**Laws 2000, LB 950, § 1.

**71-4735. Legislative findings and purpose.**

(1) The Legislature finds that:

(a) Hearing loss occurs in newborns more frequently than any other health condition for which newborn screening is required;

(b) Early detection of hearing loss in a child and early intervention and treatment before six months of age has been demonstrated to be highly effective in facilitating a child's language, communication, and educational development;

(c) Children of all ages can receive reliable and valid screening for hearing loss in a cost-effective manner; and

(d) Appropriate screening and identification of newborns and infants with hearing loss will facilitate early intervention and treatment in the critical time period for language development and may serve the public purposes of promoting the healthy development of children and reducing public expenditure for health care, special education, and related services.

(2) The purpose of the Infant Hearing Act is:

(a) To provide early detection of hearing loss in newborns at the birthing facility, or as soon after birth as possible for those children born outside of a birthing facility, to enable these children and their families and other caregivers to obtain needed multidisciplinary evaluation, treatment, and intervention services at the earliest opportunity and to prevent or mitigate the developmental delays and academic failures associated with late detection of hearing loss; and

(b) To provide the state with the information necessary to effectively plan, establish, and evaluate a comprehensive system for the identification of newborns and infants who have a hearing loss.

**Source:**Laws 2000, LB 950, § 2.

**71-4736. Terms, defined.**

For purposes of the Infant Hearing Act:

- (1) Birth admission means the time after birth that the newborn remains in the hospital or other health care facility prior to discharge;
- (2) Birthing facility means a hospital or other health care facility in this state which provides birthing and newborn care services;
- (3) Confirmatory testing facility means a hospital or other health care facility in this state which provides followup hearing tests;
- (4) Infant means a child from thirty days through twelve months old;
- (5) Newborn means a child from birth through twenty-nine days old; and
- (6) Parent means a natural parent, stepparent, adoptive parent, legal guardian, or other legal custodian of a child.

**Source:**Laws 2000, LB 950, § 3.

**71-4737. Hearing loss; tracking system.**

The Legislature recognizes that it is necessary to track newborns and infants identified with a potential hearing loss or who have been evaluated and have been found to have a hearing loss for a period of time in order to render appropriate followup care. The Department of Health and Human Services shall determine and implement the most appropriate system for this state which is available to track newborns and infants identified with a hearing loss. It is the intent of the Legislature that the tracking system provide the department and Legislature with the information necessary to effectively plan and establish a comprehensive system of developmentally appropriate services for newborns and infants who have a potential hearing loss or who have been found to have a hearing loss and shall reduce the likelihood of associated disabling conditions for such newborns and infants.

**Source:**Laws 2000, LB 950, § 4; Laws 2005, LB 301, § 44; Laws 2007, LB296, § 591.

**71-4738. Federal funding.**

The Department of Health and Human Services shall apply for all available federal funding to implement the Infant Hearing Act.

**Source:**Laws 2000, LB 950, § 5; Laws 2005, LB 301, § 45; Laws 2007, LB296, § 592.

**71-4739. Birthing facility; confirmatory testing facility; reports required.**

(1) Every birthing facility shall annually report to the Department of Health and Human Services the number of:

- (a) Newborns born;
- (b) Newborns and infants recommended for a hearing screening test;
- (c) Newborns who received a hearing screening test during birth admission;
- (d) Newborns who passed a hearing screening test during birth admission if administered;
- (e) Newborns who did not pass a hearing screening test during birth admission if administered; and
- (f) Newborns recommended for monitoring, intervention, and followup care.

(2) Every confirmatory testing facility shall annually report to the Department of Health and Human Services the number of:

- (a) Newborns and infants who return for a followup hearing test;
- (b) Newborns and infants who do not have a hearing loss based upon the followup hearing test; and
- (c) Newborns and infants who are shown to have a hearing loss based upon the followup hearing test.

**Source:**Laws 2000, LB 950, § 6; Laws 2005, LB 301, § 46; Laws 2007, LB296, § 593.

**71-4740. Hearing loss educational information.**

(1) Every birthing facility shall educate the parents of newborns born in such facilities of the importance of receiving a hearing screening test and any necessary followup care. This educational information shall explain, in lay terms, the hearing screening test, the likelihood of the newborn having a hearing loss, followup procedures, and community resources, including referral for early intervention services under the Early Intervention Act. The educational information shall also include a description of the normal auditory, speech, and language developmental process in children. Education shall not be considered a substitute for the hearing screening test.

(2) If a newborn is not born in a birthing facility, the Department of Health and Human Services shall educate the parents of such newborns of the importance of receiving a hearing screening test and any necessary followup care. The department shall also give parents information to assist them in having the test performed within three months after the date of the child's birth.

**Source:**Laws 2000, LB 950, § 7; Laws 2005, LB 301, § 47; Laws 2007, LB296, § 594.

**71-4741. Hearing screening; department; duties.**

(1) The Department of Health and Human Services shall determine which birthing facilities are administering hearing screening tests to newborns and infants on a voluntary basis and the number of newborns and infants screened. The department shall submit electronically an annual report to the Legislature stating the number of:

- (a) Birthing facilities administering voluntary hearing screening tests during birth admission;
- (b) Newborns screened as compared to the total number of newborns born in such facilities;
- (c) Newborns who passed a hearing screening test during birth admission if administered;
- (d) Newborns who did not pass a hearing screening test during birth admission if administered; and
- (e) Newborns recommended for followup care.

(2) The Department of Health and Human Services, in consultation with the State Department of Education, birthing facilities, and other providers, shall develop approved screening methods and protocol for statewide hearing screening tests of substantially all newborns and infants.

(3) Subject to available appropriations, the Department of Health and Human Services shall make the report described in this section available.

**Source:**Laws 2000, LB 950, § 8; Laws 2005, LB 301, § 48; Laws 2007, LB296, § 595; Laws 2012, LB782, § 118.

**71-4742. Hearing screening test; newborn; standard of care.**

(1) Each birthing facility shall include a hearing screening test as part of its standard of care for newborns and shall establish a mechanism for compliance review. A hearing screening test shall be conducted on no fewer than ninety-five percent of the newborns born in this state.

(2) If the number of newborns receiving a hearing screening test does not equal or exceed ninety-five percent of the total number of newborns born in this state on or before December 1, 2003, or falls below ninety-five percent at any time thereafter, the Department of Health and Human Services shall immediately adopt and promulgate rules and regulations implementing a hearing screening program. The hearing screening program shall provide for a hearing screening test that every newborn born in this state shall undergo and shall provide that the hearing screening test be completed during birth admission or, if that is not possible, no later than three months after birth. Notwithstanding this section, it is the goal of this state to achieve a one-hundred-percent screening rate.

**Source:**Laws 2000, LB 950, § 9; Laws 2005, LB 301, § 49; Laws 2007, LB296, § 596.

**71-4743. Referral guidelines.**

The Department of Health and Human Services and the State Department of Education shall establish guidelines for when a referral shall be made for early intervention services under the Early Intervention Act. The guidelines shall include a request for an individual evaluation of a child suspected of being deaf or hard of hearing as defined in section 79-1118.01.

**Source:**Laws 2000, LB 950, § 10; Laws 2005, LB 301, § 50; Laws 2007, LB296, § 597.

**71-4744. Rules and regulations.**

The Department of Health and Human Services shall adopt and promulgate rules and regulations necessary to implement the Infant Hearing Act.

**Source:**Laws 2000, LB 950, § 11; Laws 2005, LB 301, § 51; Laws 2007, LB296, § 598.