

## Chapter 243 of the Acts of 1998

### AN ACT PROVIDING FOR HEARING SCREENING OF NEWBORNS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** Chapter 32A of the General Laws is hereby amended by inserting after section 17E, inserted by section 1 of chapter 140 of the acts of 1998, the following section:-

Section 17F. The commission shall provide to any active or retired employee of the commonwealth who is insured under the group insurance commission coverage for the cost of a newborn hearing screening test to be performed before the newborn infant is discharged from the hospital or birthing center to the care of the parent or guardian or as provided by regulations of the department of public health. Nothing contained in this section shall be construed to abrogate any obligation to provide coverage for a hearing screening test or any other hearing screening test or audiological diagnostic procedure pursuant to any law or regulation of the commonwealth or of the United States or under any of the terms or provisions of any policy, contract or certification.

**SECTION 2.** Chapter 111 of the General Laws is hereby amended by striking out section 67F, as appearing in the 1996 Official Edition, and inserting in place thereof the following section:-

Section 67F. For the purposes of this section, the words "newborn infant" shall mean an infant under three months of age, and the words "hearing screening test" shall mean a test to detect hearing thresholds of 30 decibels or greater in either ear in the speech frequency range.

A hearing screening test shall be performed on all newborn infants in the commonwealth in the birthing hospital or birthing center, or in the hospital from which the newborn infant is discharged to home. Such test shall be performed before the newborn infant is discharged from the birthing center or hospital to the care of the parent or guardian, or as the department may by regulation provide; provided, however, that such test shall not be performed if the parents or guardian of the newborn infant object to the test based upon the sincerely held religious beliefs of the parent or guardian. The hospital or birthing center shall inform a parent or guardian of the newborn infant and the newborn infant's primary care physician of such infant's failure to pass the test, or if such infant was not successfully tested. Such notification shall occur prior to discharge whenever possible, and in any case no later than ten days following discharge. The hospital or birthing center so informing the parent and physician shall provide information regarding appropriate follow-up for a screening failure or a missed screening.

The cost of providing the newborn hearing screening test shall be a covered benefit reimbursable by all health insurers, except for supplemental policies which only provide coverage for specific diseases, hospital indemnity, Medicare supplement, or other supplemental policies. In the absence of a third party payer, the charges for the newborn hearing screening test shall be paid by the commonwealth.

A newborn infant whose hearing screening test result indicates the need for diagnostic audiological examination shall be offered such examination at a center approved by the department. Such centers shall maintain suitable audiological support, medical and education referral practices in order to receive such approval. If no third party payer is liable for such cost, the commonwealth shall make

reimbursement for the cost of such follow-up diagnostic examinations.

There is hereby established an advisory committee for a statewide newborn hearing screening program consisting of the following members to be appointed by the commissioner: a representative of the health insurance industry; a pediatrician or family practitioner; an otolaryngologist; a neonatologist; a nurse representing newborn nurseries; two audiologists; a teacher of the deaf and hard of hearing; a representative of the commonwealth's early intervention program; a representative of the department; two parents of children who are deaf or hard of hearing; and one deaf and one hard of hearing adult to be designated by the Massachusetts commission for the deaf and hard of hearing. The advisory committee shall advise the department regarding proposed regulations and the validity and cost of screening procedures, and shall recommend standards for appropriate screening methodology based on updated technological developments, methods of recording results and follow-up from the screening program, and methods to facilitate interaction of professions and agencies which participate in follow-up. Members of the advisory committee shall serve without compensation. The advisory committee shall be provided support services by the department.

The advisory committee shall elect a chairman from among its members.

Each hospital and birthing center which provides newborn infant care shall submit to the department for its approval a protocol for newborn hearing screening, including training and supervision of personnel by a licensed audiologist, test protocol, follow-up procedures, quality assurance and program statistics, at the onset of the program, following one full year of operation, prior to any significant changes in protocol, and at intervals specified by the department.

Notwithstanding the requirements of this section for the provision of newborn hearing screening tests, if a birthing center does not have the equipment or ability to conduct such a test, the newborn infant shall be referred to a hospital or birthing center approved by the department for such test in accordance with the provisions of this section.

The department shall promulgate regulations to implement the newborn hearing screening program.

**SECTION 3.** Chapter 118E of the General Laws is hereby amended by inserting after section 10A the following section:-

Section 10B. The division shall provide coverage for the cost of a newborn hearing screening test to be performed before the newborn infant is discharged from the hospital or birthing center to the care of the parent or guardian or as provided by regulations of the department of public health. Nothing contained in this section shall be construed to abrogate any obligation to provide coverage for a hearing screening test or any other hearing screening test or audiological diagnostic procedure pursuant to any law or regulation of the commonwealth or of the United States or under the terms or provisions of any policy, contract or certificate.

**SECTION 4.** [Section 47C of chapter 175](#) of the General Laws is hereby amended by adding the following paragraph:-

In addition to such benefits, said policy shall provide coverage for the cost of a newborn hearing screening test to be performed before the newborn infant is discharged from the hospital or birthing center to the care of the parent or guardian or as provided by regulations of the department of public health. Nothing contained in this paragraph shall be construed to abrogate any obligation to provide coverage for a hearing screening test or any other hearing screening test or audiological diagnostic

procedure pursuant to any law or regulation of the commonwealth or of the United States or under the terms or provisions of any policy or contract.

**SECTION 5.** [Section 8B of chapter 176A](#) of the General Laws is hereby amended by adding the following paragraph:-

In addition to such benefits, any contract as described in this section, shall provide coverage for the cost of a newborn hearing screening test to be performed before the newborn infant is discharged from the hospital or birthing center to the care of the parent or guardian or as provided by regulations of the department of public health. Nothing contained in this paragraph shall be construed to abrogate any obligation to provide coverage for a hearing screening test or any other hearing screening test or audiological diagnostic procedure pursuant to any law or regulation of the commonwealth or of the United States or under the terms or provisions of any contract or certificate.

**SECTION 6.** [Section 4C of chapter 176B](#) of the General Laws is hereby amended by adding the following paragraph:-

In addition to such benefits, any subscription certificate, as described in this section, shall provide coverage for the cost of a newborn hearing screening test to be performed before the newborn infant is discharged from the hospital or birthing center to the care of the parent or guardian or as provided by regulations of the department of public health. Nothing contained in this paragraph shall be construed to abrogate any other obligation to provide coverage for a hearing screening test or any other hearing screening test or audiological diagnostic procedure pursuant to any law of the commonwealth or of the United States or under the terms or provisions of any contract or certificate.

**SECTION 7.** Chapter 176G of the General Laws is hereby amended by inserting after section 4J, inserted by section 5 of chapter 140 of the acts of 1998, the following section:-

Section 4K. A health maintenance contract shall provide coverage for a newborn hearing screening test to be performed before the newborn infant is discharged from the hospital or birthing center to the care of the parent or guardian, pursuant to regulations of the department of public health. Payment to physician, hospital or other provider for the costs of said test may be pursuant to the terms of a negotiated contract. Nothing contained in this section shall be construed to abrogate any other obligation to provide coverage for a hearing screening test or any other hearing screening test or audiological diagnostic procedure pursuant to any law of the commonwealth or of the United States or under the terms or provisions of any contract or certificate.

Approved August 7, 1998.