

**TITLE 53. SOCIAL SERVICES AND INSTITUTIONS
CHAPTER 19. PHYSICALLY DISABLED**

Part 4. Newborn Hearing Screening

53-19-401. Purpose. The purposes of this part are:

(1) to provide early detection of hearing loss in newborn infants as soon after birth as possible to enable children, their families, and primary health care providers to obtain any necessary multidisciplinary evaluation, audiologic assessment, treatment, and intervention services at the earliest opportunity and to prevent or mitigate the developmental delays and academic failures associated with late identification of hearing loss; and

(2) to provide the state with the necessary information to effectively plan, establish, and evaluate a comprehensive system of appropriate services for infants and children who are deaf or hard-of-hearing.

History: En. Sec. 1, Ch. 250, L. 2001; amd. Sec. 1, Ch. 251, L. 2007.

53-19-402. Statewide universal newborn hearing screening, tracking, and intervention program. (1) There is a universal newborn hearing screening program in the department of public health and human services. The department shall implement the program to ensure a hearing screening test for all newborn infants for identification of newborn infant hearing loss. The department shall implement the program to ensure newborn hearing screening tests are completed before discharge from a hospital or no later than 1 month after birth.

(2) The department shall adopt rules to:

(a) ensure that each licensed hospital, health care facility, or health care provider providing obstetric services:

(i) complete newborn hearing screenings for all infants before discharge or no later than 1 month after birth and report the results to each infant's primary care provider, including any recommendation for audiologic assessment for an infant with two failed hearing screenings; and

(ii) provide required education regarding hearing screenings and hearing loss;

(b) ensure monitoring of all babies screened in Montana and referred for audiologic assessment to ensure that they receive an audiologic assessment by 3 months of age;

(c) establish newborn hearing screening protocols that are objective and physiologically based;

(d) establish education protocols;

(e) establish reporting requirements that are related to newborn infant hearing screening, recommendation for audiologic assessment, and audiologic assessment results; and

(f) ensure the electronic sharing of audiologic evaluation information of infants diagnosed as deaf or hard-of-hearing with the Montana school for the deaf and blind, pursuant to the school's responsibility for intervention tracking as provided in [20-8-102](#).

(3) The department shall assist each licensed hospital, health care facility, or health care provider providing obstetric services in developing systems for reporting and in accessing funds to purchase hearing screening equipment by providing information on funding sources known to the department.

(4) The department may accept contributions, gifts, grants, or endowments from public or private sources for the use and benefit of this program.

History: En. Sec. 2, Ch. 250, L. 2001; amd. Sec. 2, Ch. 251, L. 2007.

53-19-403. Repealed. Sec. 4, Ch. 251, L. 2007.

History: En. Sec. 3, Ch. 250, L. 2001.

53-19-404. Required education -- screening -- reporting. (1) Each licensed hospital, health care facility, or health care provider that provides obstetric services shall provide education to parents of infants born in the hospital or health care facility of the importance of screening the hearing of newborn infants and providing followup care.

(2) Every licensed hospital or health care facility that provides obstetric services shall:

(a) perform newborn hearing screenings, including screening of infants transferred into the hospital or health care facility from another hospital or health care facility, unless the transferring facility has already performed the screening;

(b) report monthly to the department the following information:

(i) the infants born in the hospital or born outside of the hospital and transported or transferred to the hospital or health care facility;

(ii) the infants screened, including those infants born outside of the hospital or health care facility and transported or transferred to it from another hospital or health care facility or screened as part of a cooperative agreement with health care providers providing obstetric services in their service area;

(iii) the infants not screened and the reason each infant was not screened, in accordance with reporting requirements;

(iv) the infants who passed the screening; and

(v) the infants who do not pass their screenings and the contact information for the primary care provider who was notified of the screening results for each infant who did not pass the screenings.

(3) Every licensed audiologist performing audiologic evaluations of infants identified by hearing screening as needing audiologic assessment shall report monthly to the department the following information:

(a) the identity of infants referred to them for audiologic assessment;

(b) the referring person or health care facility;

(c) the birthing facility in which the infant was born; and

(d) the results of the audiologic assessment of each infant referred to them.

History: En. Sec. 4, Ch. 250, L. 2001; amd. Sec. 3, Ch. 251, L. 2007.

MATERNAL AND CHILD HEALTH 37.57.401
Subchapter 4

NEWBORN HEARING SCREENING AND ASSESSMENT

37.57.401 DEFINITIONS

(1) "Health care provider" means a person licensed in the state of Montana to provide health care services to pregnant women and/or newborn infants and who is the primary health care provider in attendance at the birth of a newborn infant born outside of a hospital or health care facility. The term includes direct-entry midwives.

(2) "Hospital or health care facility that provides obstetric services" means any hospital or health care facility licensed by or operating in the state of Montana that routinely provides or holds itself out as providing obstetric services, without regard for the number of births actually occurring in that hospital or health care facility on an annual basis.

(3) "Newborn" means any infant from birth through 28 days of age.
History: 53-19-402, MCA; IMP, 53-19-402, 53-19-404, MCA; NEW, 2008 MAR p. 171, Eff. 2/1/08.

Rule 37.57.402 reserved

37.57.403 NEWBORN HEARING SCREENING EDUCATION

(1) Each licensed hospital and health care facility shall provide education to the parents of any newborn born in the hospital or health care facility or transferred to the hospital or health care facility from the newborn's place of birth, unless the newborn has previously been provided a hearing screening test by a hospital or health care facility from which the newborn was transferred, on:

- (a) hearing loss;
- (b) the importance of early hearing screening; and
- (c) the process for conducting newborn hearing screening

(2) Each licensed health care provider in attendance at any birth outside of a hospital or health care facility shall provide education to the newborn's parents on:

- (a) hearing loss;
- (b) the importance of early hearing screening; and
- (c) the process for conducting newborn hearing screening.

(3) Each hospital, health care facility, and health care provider required to provide newborn hearing screening education shall comply with education protocols developed by the department and shall use educational materials provided by the department. Protocols and educational materials may be obtained from the Department of Public Health and Human Services, Newborn Screening Program, Children's Special Health Services Section, Family and Community Health Bureau, P.O. Box 202951, Helena, Montana 59620-2951.

History: 53-19-402, MCA; IMP, 53-19-404, MCA, NEW, 2008 MAR p. 171, Eff. 2/1/08.

Rules 37.57.404 and 37.57.405 reserved

37.57.406 NEWBORN HEARING SCREENING - REFERRALS FOR NEWBORNS BORN OUTSIDE OF HOSPITALS OR HEALTH CARE FACILITIES

(1) Each health care provider who is required to provide newborn hearing screening education shall also provide referral information to the parents of any newborn who was born outside of a hospital or health care facility. The referral information shall identify the hospitals, health care facilities, and other health care providers in the region that are able to provide hearing screenings for newborns.

History: 53-19-402, MCA; IMP, 53-19-404, MCA; NEW, 2008 MAR p. 171, Eff. 2/1/08.

37.57.407 NEWBORN HEARING SCREENING PROTOCOLS - HOSPITALS AND HEALTH CARE FACILITIES

(1) Each licensed hospital or health care facility that provides obstetric services shall establish a newborn hearing screening program in order to ensure that a hearing screening is provided for each newborn born in the hospital or health care facility or transferred to the hospital or health care facility from the newborn's place of birth, unless the newborn was previously provided a hearing test by a hospital or health care facility from which the newborn was transferred.

(a) An initial hearing screening must be performed prior to the infant's discharge from the hospital or health care facility.

(b) If the results of the initial hearing screening were inconclusive or indicated a possible hearing loss, a second screening must be performed prior to the newborn's discharge from the hospital or health care facility, if possible. If a second hearing screening cannot be performed prior to the infant's discharge from the hospital, the hospital or health care facility must, prior to the discharge, work with the newborn's parents to schedule a second hearing screening for the newborn. The second screening shall be scheduled at the hospital or health care facility from which the newborn is being discharged. It shall be scheduled to occur within 30 days of the newborn's birth.

(2) Each hospital or health care facility shall use equipment designed to perform hearing screenings that utilizes either otoacoustic emissions (OAE) or auditory brainstem response (ABR) technology. Hearing screening equipment shall be maintained, calibrated, and used in strict conformance with manufacturers' guidelines.

(3) Newborn hearing screening shall be performed by staff members who are properly trained to conduct and interpret the tests and shall be performed in strict conformity with the testing protocols set by the equipment manufacturer.

History: 53-19-402, MCA; IMP, 53-19-402, 53-19-404, MCA; NEW, 2008 MAR p. 171, Eff. 2/1/08.

Rules 37.57.408 and 37.57.409 reserved

37.57.410 REPORTING NEWBORN HEARING SCREENING RESULTS - PARENTS - PRIMARY CARE PROVIDERS

(1) The hospital or health care facility shall document all hearing screening results in the newborn's chart and shall provide the hearing screening results to the parents of the newborn on the newborn's Report Card form. If the newborn hearing screening indicates a possible hearing loss, the written notification of results to the newborn's parents must include a recommendation for an audiological assessment.

(2) The hospital or health care facility shall also provide the newborn's primary care provider with written notification of the results of the newborn hearing screening. If the newborn hearing screening indicates a possible hearing loss, the written notification of results sent to the newborn's primary care provider must include a recommendation for an audiological assessment.

History: 53-19-402, MCA, IMP, 53-19-404, MCA; NEW, 2008 MAR p. 171, Eff. 2/1/08.

Rules 37.57.411 and 37.57.412 reserved

37.57.413 REPORTING TO THE DEPARTMENT REGARDING NEWBORN HEARING SCREENING AND EDUCATION

(1) Each hospital and health care facility required to provide newborn hearing screenings must make a report to the department each month using the department's designated reporting software regarding newborn hearing screenings.

(2) Each hospital and health care facility shall enter the following information by the 15th day of each month for each newborn born in or transferred to the hospital or health care facility during the preceding month:

(a) the newborn's full name, date of birth, gender, mother's maiden name, and the location of the newborn's birth;

(b) that the education protocol and educational materials developed by the department on newborn hearing screening were provided to the parents of the newborn;

(c) whether the facility did or did not provide a complete hearing screening to the newborn as required in ARM 37.57.407;

(d) for any newborns not fully screened, a statement of any reason(s) the newborn has not been not fully screened;

(e) if the newborn was provided an initial screening prior to discharge, and the results of that screening indicated possible hearing loss, the date scheduled for the follow-up hearing screening;

(f) all of the newborn's hearing screening results; and

(g) contact information for the newborn's primary care provider if the initial or follow-up hearing screening(s) indicated possible hearing loss.

(3) If a newborn was discharged from a hospital or health care facility after an initial screening that indicated a possible hearing loss, the hospital or health care facility shall file an updated screening report regarding the newborn's hearing screening status by the 15th day of the month immediately following the appointment date set for the second screening.

(4) By the 15th day of each month, each hospital and health care facility shall provide the department a signed facsimile copy of any completed parent refusal form for each baby born in the previous month who did not receive newborn hearing screening or who did not have complete hearing screening because the parent refused the initial or follow-up screening. The refusal form used by the hospital or health care facility must contain at minimum the content of the "Parental Attestation of Refusal of Newborn Hearing Screening" form distributed as a suggested template by the department.

History: 53-19-402, MCA; IMP, 53-19-404, MCA, NEW, 2008 MAR p. 171, Eff. 2/1/08.

37.57.414 HEALTH CARE PROVIDERS - REPORTING TO THE DEPARTMENT REGARDING EDUCATION AND REFERRAL INFORMATION

(1) Each licensed health care provider in attendance at any birth occurring outside a hospital or health care facility shall file a report with the department that documents:

(a) the newborn's full name, date of birth, gender, mother's maiden name, and the location of the newborn's birth;

(b) that the education protocol and educational materials developed by the department on newborn hearing screening were provided to the parents of the newborn;

(c) that referral information has been provided to the newborn's parents which identifies the hospitals, health care facilities and other health care providers in the area that are able to provide hearing screenings for newborns.

(d) that the newborn's primary care provider, if other than the health care provider attending the birth, has been notified that newborn hearing screening has been provided to the newborn's parents.

(2) The report shall be made to the department by the 15th day of each month for the babies delivered in the previous month on a form available from the Department of Public Health and Human Services, Newborn Screening Program, Children's Special Health Services Section, Family and Community Health Bureau. History: 53-19-402, MCA; IMP, 53-19-404, MCA; NEW, 2008 MAR p. 171, Eff. 2/1/08/.

37.57.415 AUDIOLOGISTS - REPORTING OF AUDIOLOGICAL ASSESSMENTS TO DEPARTMENT - PARENTAL CONSENT FOR REFERRAL TO THE MONTANA SCHOOL FOR THE DEAF AND BLIND

(1) Each licensed audiologist to whom an infant is referred for audiological assessment following a newborn hearing screening shall file a report

with the department each month regarding the results of the infant's audiological assessment. The report shall be filed using the department's designated reporting software. The audiologist shall enter and report the following information by the 15th day of each month for each infant assessed during the previous month:

(a) the newborn's full name, date of birth, gender, mother's maiden name, and the location of the newborn's birth;

(b) the name and address of the hospital or health care facility in which the baby was born or transferred to or the name and address of the health care provider attending the birth;

(c) complete audiological assessment results for the newborn, including current hearing status.

(2) Each licensed audiologist to whom an infant is referred for audiological assessment following newborn hearing screening shall request written authorization from the infant's parents for the audiologist to provide the infant's identifying information and test results to the department for subsequent referral for intervention services to the Montana School for the Deaf and Blind.

(a) Authorization shall be obtained on authorization forms approved and provided by the department.

(b) The audiologist shall submit a copy of the signed authorization form to the department by facsimile or as a scanned electronic attachment within three days of the date it is signed.

History: 53-19-402, MCA; IMP, 53-19-404, MCA; NEW, 2008 MAR p. 171, Eff. 2/1/08.

Subchapters 5 through 9 reserved