

Laws of Puerto Rico

Title 24, Part VII, Chapter 148A. Neonatal Hearing Screening Program

§ 3521. Definitions

The following terms as used herein shall have the meanings stated in this section, except as otherwise provided:

- (1) Admission for birth. — Means the period after birth during which the newborn remains in the hospital nursery before discharge.
- (2) Audiologist. — Is the autonomous professional who identifies, evaluates, and manages hearing and balance disorders. Also:
 - (A) Provides hearing habilitation to children and hearing rehabilitation to adults.
 - (B) Selects, adjusts, and prescribes sound amplifying devices such as hearing aids and other related devices.
 - (C) Prevents hearing loss by orienting the patient/client on the effects of noise in the hearing system, selects and adjusts ear protectors and sound lessening devices.
 - (D) Participates in [research] in areas such as prevention, identification, and management of hearing loss, tinnitus and disorders in the balance system.
- (3) Advisory Committee. — Refers to the Steering Committee in the area of Neonatal Universal Hearing Screening, Tracking and Intervention of the Department of Health.
- (4) Department. — Refers to the Department of Health of the Commonwealth of Puerto Rico.
- (5) Neonatologist. — Refers to the sub-specialist in pediatrics who offers secondary and tertiary services to the newborn.
- (6) Health insurance policy. — Refers to the policy of a health insurance group, contract, plan or any individual policy, contract or plan with coverage for children that provides medical coverage in a pre-paid or incurred service expense. The term includes the following:
 - (A) An insurance agency or contract made by a non-profit corporation or a charitable mutual association.
 - (B) A health services plan operating as a health provider organization (preferred provider organization, exclusive provider organization), and other services providers, as defined in the state laws.
 - (C) A benefit plan.
- (7) Hearing loss. — Refers to having a threshold of 30 db HL or more of frequency range important for the recognition and comprehension of speech in one or both ears (approximately from 500Hz to 4000Hz). The Committee shall be empowered to modify this definition as established by regulations to temper it with technological advances that enable the detection of mild hearing loss.

(8) Infant(s). — Refers to children who are not newborns and have not attained twelve (12) months of age.

(9) Intervention and/or follow-up care. — Refers to the early intervention services described in Part C of the Individuals with Disabilities Education Act (IDEA), as amended, by Public Law 105-17, which includes a variety of services for children between 0 and 36 months of age and support for their families. Audiology and speech pathology services are among the benefits of this chapter, since they are crucial for the success of the early intervention of children diagnosed with hearing loss.

(10) Medical Assistance Program or Medicaid. — Federal funds used in Puerto Rico to provide health insurance to the medical-indigent [sic] population.

(11) Newborn. — Refers to children of up to 28 eight [sic] days.

(12) Parent. — Refers to the biological mother or father, stepmother or father, adoptive parents, legal tutor or any other legal custodian of the child.

(13) Pediatrician. — Refers to the health professional recognized to evaluate the growth and development of every infant, child and adolescent, under the appropriate practices defined by the American Academy of Pediatrics. It is also a duly trained professional who has contact with the health care of every infant from the time of birth. Therefore, he/she is who refers every infant to hearing screening in those cases in which such process has not being practiced after birth and before discharge from the hospital.

(14) Program. — Refers to the Neonatal Universal Hearing Screening Program.

(15) Secretary. — Refers to the Secretary of the Department of Health of the Commonwealth of Puerto Rico.

(16) Governor. — Refers to the Governor of the Commonwealth of Puerto Rico.

History —Dec. 19, 2003, No. 311, § 2, eff. 30 days after Dec. 19, 2003.

§ 3522. Advisory Committee—Creation

The Neonatal Universal Hearing Screening Advisory Committee is hereby created under the jurisdiction of the Department:

(a) Composition. — The Committee shall be composed of an uneven number of at least nine (9) members, of the following professions and organizations appointed by the Governor:

(1) Health professionals. — Audiologist, speech-language pathologist, pediatrician/neonatologist, neonatal nurse.

(2) Consumers. — Adults with hearing impairment.

(3) Health care systems/Government. — A representative of the health insurance companies, the Secretary of the Department of Health, or his/her representative (government agency responsible for Part C of IDEA.)

(4) Organizations. — Community groups which represent persons with hearing impairment, professionals who render services to this population and parents of children with hearing loss, among others.

(b) Responsibilities and power. — The Committee shall advise the Secretary and the Department on matters related to the hearing screening tests, hearing evaluation diagnosis, intervention, treatment and follow-up care for newborns with hearing loss. The Committee shall act by a majority of votes and as required by the Administrative Act of the Commonwealth of Puerto Rico. The Secretary shall have the authority to adopt the regulations deemed necessary to comply with the purposes of this chapter.

The Committee shall meet as often as deemed necessary to obtain the pertinent information on hearing screening programs. The Committee shall also develop and make recommendations to implement Neonatal Universal Hearing Screening Programs efficiently and timely and to carry out the compilation of data that allows for the appropriate evaluation of the same.

History —Dec. 19, 2003, No. 311, § 3, eff. 30 days after Dec. 19, 2003.

§ 3523. Department of Health—Powers and responsibilities

The Secretary of Health shall have the following powers and responsibilities regarding the implementation of the Neonatal Universal Hearing Screening Program:

- (a) Establish protocols and/or procedures to implement the Neonatal Universal Hearing Screening Program in hospitals with maternity wards in Puerto Rico.
- (b) Evaluate and supervise all Neonatal Universal Hearing Screening Programs in the hospitals of the Island.
- (c) Provide training and shall certify the personnel that participates in the program.
- (d) Be responsible for creating an efficient and reliable system for the compilation of data on the Neonatal Hearing Screening Programs.
- (e) Supervise that hospitals with maternity wards in Puerto Rico carry out hearing screening tests to at least eighty percent (80%) of the infants born therein, following the procedures recommended by the Committee or its equivalent. When an infant is born in a place other than a hospital, the parents shall be advised on the benefits of hearing screening and shall be provided with the information needed to enable the administration of the hearing screening test to their child within its first (1) month of age.
- (f) Provide hospitals with the necessary information to prepare educational material for families. The information shall be written in a simple language and shall include:
 - (1) A description of the hearing screening process.
 - (2) The probability of the child of suffering from hearing loss.
 - (3) The follow-up and community resources.

(g) The information shall also cover the educational aspect, including a description of normal hearing indicators and the normal speech and language development of a child. The educational aspects shall not substitute [for] hearing screening. The Committee shall establish the most adequate procedure for hearing screening of children born outside hospitals.

(h) Each hospital shall render a monthly report with required information to the Department of Health of the Commonwealth of Puerto Rico.

(i) The Neonatal Universal Hearing Screening Program shall render an annual report to the Advisory Committee.

(j) The audiologist coordinator of the Neonatal Universal Hearing Screening Program of the Department of Health shall ensure that the hospitals send the reports with the required information every month.

History —Dec. 19, 2003, No. 311, § 4, eff. 30 days after Dec. 19, 2003.

§ 3524. Hearing screening tests

Hearing screening tests shall be conducted by using at least one of the following screening systems: Auditory Brainstem Response Test (ABR), whether for diagnosis or automated, and/or otoacoustic emissions (OAE). The most advanced or improved technology shall be incorporated [in] the Program, since it will result in a more reliable and efficient screening.

History —Dec. 19, 2003, No. 311, § 5, eff. 30 days after Dec. 19, 2003.

§ 3525. Confidentiality

It is herein established that the data obtained from the tracking system and those directly obtained from the medical record of the newborn shall be for the confidential use of the Department of Health and the persons or public and private entities that the Department deems necessary to complete the tracking appropriately. The data shall be privileged information and may not be disclosed nor made public in such way that the identity of the patient is compromised. However, the anonymous statistical information of the tracking system shall be public information. It is recommended that the tracking system be integrated to any other efficient tracking system existing in the Island, such as screening for hereditary diseases.

History —Dec. 19, 2003, No. 311, § 6, eff. 30 days after Dec. 19, 2003.

§ 3526. Health insurance coverage

(a) Except as provided hereinbelow, any health insurance policy which is available or may be available, renewed, extended, or modified in Puerto Rico by any health insurance company with benefits applicable within the health insurance policy, shall include coverage for initial hearing screening and for any other hearing evaluation within the follow-up care related to the hearing screening described in this chapter.

(b) Except as provided hereinbelow, if a health insurance company provides coverage or benefits to the residents of Puerto Rico, it shall be understood that the service shall be rendered in Puerto Rico, as provided by this chapter, even though the company is located outside of Puerto Rico.

(c) The benefits of the universal neonatal hearing screening test to newborn babies, as well as the follow-up care shall be subject to the same co-payment policies and co-insured provisions applicable to any other medical service. With the exception that the benefit of neonatal hearing screening shall be exempted from co-payments or provisions that limit the maximum amount to be paid by the insurer.

(d) Notwithstanding subsections (a) and (b), this section shall not be construed as a requirement for the insurance company to cover the expenses of hearing screening to newborn babies whose parents are not residents of Puerto Rico, if the parents are employed outside Puerto Rico and their employer has health insurance included as one of the employee's benefits.

(e) This chapter shall apply to all insurance companies, individual or of any other kind, contracts to subscribers and certificates of insurance companies issued to any group as policy, that are or will be available on or after this act takes effect.

History —Dec. 19, 2003, No. 311, § 7, eff. 30 days after Dec. 19, 2003.

§ 3527. Medical Assistance Program (Medicaid)

(a) The government agency responsible for the Government of the Commonwealth of Puerto Rico Health Insurance Card shall pay for the hearing screening of the newborn, if eligible for the Medical Assistance Program, as determined by applicable state and federal laws.

(b) The Governor shall ensure that any service-providing contract under the Commonwealth of Puerto Rico Health Insurance Card through other insurers includes neonatal hearing screening services and diagnostic hearing evaluations.

History —Dec. 19, 2003, No. 311, § 8, eff. 30 days after Dec. 19, 2003.