

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 1096

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 11, 2000

The Senate Health Committee reports favorably and with committee amendments Senate Bill No. 1096.

Provisions of the Bill:

As amended by committee, the bill requires the Commissioner of Health and Senior Services to ensure that, effective January 1, 2001, all children in the State from birth to 28 days old are screened for hearing loss by an appropriate electrophysiologic screening measure. Likewise, the bill provides that the Department of Health and Senior Services establish guidelines, to be effective January 1, 2001, for the periodic monitoring of all infants between the ages of 29 days and 36 months for delayed onset hearing loss. The bill permits parents of newborns to be exempted from the universal newborn hearing screening program if the screening conflicts with the parents' bona fide religious tenets or practices.

The bill directs hospitals that provide inpatient maternity services and birthing centers to provide newborn screening for hearing loss for all newborns born at their facility. The bill also requires hospitals and birthing centers to report to the Department of Health and Senior Services how they intend to implement these mandatory newborn hearing screening requirements, including, at least, the following information:

- C the electrophysiologic screening measure to be used;
- C the qualifications of the personnel designated to perform the electrophysiologic screening measure;
- C the guidelines for the provision of follow-up services for newborns identified as having or being at risk for developing a hearing loss;
- C the educational services to be provided the parents of the newborn identified as having or being at risk for developing a hearing loss; and
- C the protocol to be followed to ensure the confidentiality of any patient identifying information furnished to the department.

In the case of a newborn born outside of a hospital or birthing center who is not transferred to a hospital or birthing center, the bill

requires that the physician or midwife who is caring for the newborn ensure that the newborn is screened for hearing loss before the newborn is 29 days old.

The bill also directs the commissioner to establish a central registry of newborns identified as having or being at risk for developing a hearing loss. The information in the central registry will be used for the purposes of compiling statistical information and providing follow-up counseling, intervention and educational services to the parents of the newborn.

The bill reconstitutes the Hearing Evaluation Council, originally created by P.L.1977, c.19, to provide on-going advice to the department on the implementation of a universal newborn hearing screening program in this State. The members will be appointed by the commission and will include at least seven persons, including a board certified pediatrician, a board certified otolaryngologist, an audiologist with certified clinical competence, a person who is profoundly deaf, a person who is hearing impaired, a hearing person of parents who are deaf, and a citizen of the State who is interested in the concerns and welfare of the deaf. Each member will hold office for a term of two years.

The bill mandates that health, hospital and medical service corporations, individual, small employer and group health insurers, health maintenance organizations, and the State Medicaid and NJ KidCare programs provide third party coverage for the newborn testing and monitoring. Also, consistent with the insurance mandates for screening for childhood lead poisoning and childhood immunizations enacted in 1995, the bill provides that no deductible shall be applied to the newborn hearing insurance benefit.

Finally, this bill repeals P.L.1977, c.19 (C.26:2-101 et seq.), which established the current newborn hearing screening program, since the universal newborn hearing screening program in this bill will replace the current program.

The bill takes effect 180 days after enactment.

Committee amendments:

The committee amended the bill to specify that payment for the screening service by health insurance carriers shall be separate and distinct from payment for routine new baby care in the form of a newborn hearing screening fee negotiated with the provider and facility. The committee also adopted a technical amendment to sections 10, 11 and 12 of the bill to conform references to small employer health benefits plans to current law, that is, that the maximum number of employees under such a plan is 50, rather than 49 as those sections currently provide.

For Your Information:

Currently, State law, N.J.S.A.26:2-101 et seq., does not require that newborns be tested for hearing loss. Rather, each newborn is

screened for indicators associated with hearing loss, such as a family history of hereditary childhood hearing loss, meningitis or birth defects affecting the head or neck. If a newborn possesses any one or more of the indicators associated with hearing loss, the parents are advised of the need to have a formal hearing test performed on the child. This bill repeals current law because the universal newborn hearing screening program in this bill will replace the current program.

According to the National Conference of State Legislatures, at least 23 states have enacted laws mandating universal or nearly universal hearing testing of newborns, and at least nine states mandate health insurance coverage for the testing.