



GOV. MSG. NO. 1136

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 15, 2022

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 15, 2022, the following bill was signed into law:

HB986 HD1 SD2

RELATING TO NEWBORN HEARING
SCREENING.
ACT 036

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

HOUSE OF REPRESENTATIVES
THIRTY-FIRST LEGISLATURE, 2021
STATE OF HAWAII

H.B. NO. 986
H.D. 1
S.D. 2

A BILL FOR AN ACT

RELATING TO NEWBORN HEARING SCREENING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that newborn hearing
2 screening is mandated by part XXIX, chapter 321, Hawaii Revised
3 Statutes, as a public health screening program that helps deaf
4 or hard of hearing children reach their developmental milestones
5 and be language-ready for school.

6 Furthermore, the national standards for early hearing
7 detection and intervention are hearing screening by age one
8 month, diagnostic audiologic evaluation by age three months, and
9 enrollment in early intervention services by age six months.
10 Studies show that children who are deaf or hard of hearing who
11 receive early hearing screening and appropriate follow-up have
12 better vocabulary outcomes, reach their language and
13 communication milestones, and are language-ready for school.

14 Currently, the department of health newborn hearing
15 screening program does not receive diagnostic audiologic
16 evaluation results for all newborns who do not pass newborn
17 hearing screening. The legislature further finds that



1 consistent reporting of diagnostic audiologic evaluation results
2 will allow the program to ensure that all infants who do not
3 pass their hearing screenings receive a diagnostic audiologic
4 evaluation and appropriate follow-up and support. Timely
5 diagnostic audiologic evaluation results will also facilitate
6 referrals into early intervention services for infants who are
7 deaf or hard of hearing.

8 The purpose of this Act is to ensure that timely diagnostic
9 audiologic evaluation results on newborns who did not pass
10 newborn hearing screening, or infants whose hearing status
11 changes, are provided to the department of health.

12 SECTION 2. Section 321-361, Hawaii Revised Statutes, is
13 amended as follows:

14 1. By adding four new definitions to be appropriately
15 inserted and to read:

16 "Audiologist" means an individual professional licensed as
17 an audiologist pursuant to chapter 468E.

18 "Deaf or hard of hearing" means any type and degree of
19 permanent hearing loss as assessed by an audiologist or
20 physician specialized in hearing function.



1 "Diagnostic audiologic evaluation" means an evaluation of
2 the sensitivity of a person's sense of hearing as assessed by an
3 audiologist or physician specialized in hearing function.

4 "Hearing screening" means objective procedures to detect
5 possible hearing loss and determine the need for diagnostic
6 audiologic evaluation and medical evaluation."

7 2. By repealing the definition of "hearing impaired
8 infant":

9 [~~"Hearing impaired infant" means an infant who has an~~
10 ~~impairment that is a dysfunction of the auditory system of any~~
11 ~~type or degree sufficient to interfere with the acquisition and~~
12 ~~development of speech and language skills."]~~

13 3. By repealing the definitions of "management" and
14 "screening":

15 [~~"Management" means the habilitation of the hearing~~
16 ~~impaired infant.~~

17 [~~"Screening" means a test or battery of tests administered~~
18 ~~to determine the need for a professional examination."]~~

19 SECTION 3. Section 321-362, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§321-362 Duties. It shall be the duty and responsibility
2 of the department to:

- 3 (1) Establish, implement, and evaluate a statewide
4 ~~[program for early identification of, and intervention~~
5 ~~for, hearing impairment in infants,]~~ system for
6 hearing screening and diagnostic audiologic evaluation
7 to identify infants who are deaf or hard of hearing,
8 and for referral and enrollment of these infants in
9 early intervention services;
- 10 (2) Establish standards and guidelines for ~~[the]~~ hearing
11 screening, identification, diagnosis, intervention,
12 and monitoring of infants ~~[with hearing impairment and~~
13 ~~infants at risk for delayed onset of hearing~~
14 ~~impairment,]~~ who are deaf or hard of hearing or have
15 been identified with a risk indicator for developing
16 delayed-onset or progressive hearing loss, or both;
- 17 (3) Develop a plan in conjunction with the department of
18 ~~[education's statewide center for students with~~
19 ~~hearing or visual impairments]~~ education to involve
20 ~~[the]~~ parents or guardians ~~[with the]~~ in any medical
21 and educational follow-up ~~[and management of]~~ for



1 infants who ~~[have been identified as hearing impaired~~
 2 ~~or at risk of delayed onset of hearing impairments,]~~
 3 are deaf or hard of hearing, or who have been
 4 identified with a risk indicator for developing
 5 delayed-onset or progressive hearing loss, or both;
 6 and

7 (4) Collect and analyze program data in relation to the
 8 duties and responsibilities of the department."

9 SECTION 4. Section 321-362.5, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 "~~[§321-362.5] Screening for hearing impairment.~~
 12 Hearing screening, diagnostic audiologic evaluation, and
 13 intervention. (a) All newborn infants shall ~~[be screened for~~
 14 ~~hearing impairment for early identification of children with~~
 15 ~~hearing loss and for the promotion of their development of~~
 16 ~~language and communication.]~~ receive a hearing screening to
 17 allow early identification and intervention to maximize social,
 18 emotional, and language outcomes for children who are deaf or
 19 hard of hearing.

20 (b) The person in charge of each birthing facility caring
 21 for newborn infants and the responsible physician attending the



1 birth of a newborn or the person assisting the birth of a child
2 not attended by a physician shall ensure that every infant in
3 the person's care [~~be screened for hearing impairment.~~] receives
4 a hearing screening. This section shall not apply if the
5 parent, guardian, or other person having custody or control of
6 the child objects to the hearing screening in writing on the
7 grounds that the hearing screening conflicts with their
8 religious beliefs. The written objection shall be made a part
9 of the infant's medical record.

10 (c) Birthing facilities [~~screening newborn infants for~~
11 ~~hearing impairment~~] shall report newborn hearing screening
12 results to the department [~~, for the purpose of the department~~
13 ~~ensuring a statewide system for the screening, diagnostic~~
14 ~~evaluation, and intervention for all newborn infants with~~
15 ~~hearing impairment~~].

16 (d) Audiologists and physicians specialized in hearing
17 function who perform diagnostic audiologic evaluations of
18 infants shall report to the department, the diagnostic
19 audiologic evaluation results of those infants who do not pass
20 the hearing screening test and those who are diagnosed as deaf
21 or hard of hearing up to the age of three years."



1 SECTION 5. Section 321-363, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§321-363 Rules. The department shall adopt rules,
4 pursuant to chapter 91, necessary for the purposes of this part,
5 including but not limited to administration and quality of
6 newborn hearing screening; retention of records and related
7 data; reporting of [~~positive~~] hearing screening results;
8 reporting of diagnostic audiologic evaluation [and] results for
9 those infants who fail newborn hearing screenings or have been
10 identified as deaf or hard of hearing; intervention for infants
11 [with hearing impairment,] who have been identified as deaf or
12 hard of hearing; informing parents about the purpose of hearing
13 screening[+], diagnostic audiologic evaluation, and
14 intervention; and maintaining the confidentiality of affected
15 families."

16 SECTION 6. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval.

APPROVED this 15 day of June , 2022



GOVERNOR OF THE STATE OF HAWAII



HB No. 986, HD 1, SD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki
Speaker
House of Representatives




Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 12, 2022
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022.


President of the Senate


Clerk of the Senate