

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1478

Introduced by

Representatives Jensen, Rose

Senator W. Stenehjem

1 A BILL for an Act to create and enact a new section to chapter 25-17 of the North Dakota
2 Century Code, relating to newborn infant hearing screening; to amend and reenact section
3 25-17-05 of the North Dakota Century Code, relating to testing charges for newborn health
4 screening; and to provide an effective date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 25-17-05 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **25-17-05. Testing charges.** The state department of health shall adopt rules that
9 establish reasonable fees and may impose those fees to cover the costs of administering tests
10 under this chapter for phenylketonuria, galactosemia, and other metabolic diseases. All fees
11 collected must be deposited in the state department of health operating account.

12 **SECTION 2.** A new section to chapter 25-17 of the North Dakota Century Code is
13 created and enacted as follows:

14 **Newborn hearing tests - Duties - Reports.**

- 15 1. The physician, nurse midwife, nurse practitioner, or other individual attending a
16 newborn infant shall have that infant's hearing tested within ninety days of birth.
17 The hearing test required under this section must comply with the protocol
18 prescribed by the state department of health or, if the department has not issued a
19 protocol, must be consistent with the recommendations of the joint committee on
20 infant hearing.
- 21 2. A physician attending a newborn with a hearing impairment shall report the case to
22 the state department of health on the medical conditions portion of the birth record
23 or on any other form as required by the department. Determination of a hearing

- 1 impairment under this subsection must be established by applying the criteria of
2 the joint committee on infant hearing.
- 3 3. This section does not apply if a parent of a newborn infant objects to performance
4 of a hearing test on the grounds that testing for impaired hearing conflicts with the
5 parent's religious tenets and practices.
- 6 4. The state department of health and the department of human services jointly shall
7 provide information regarding the nature of infant hearing impairment to
8 physicians, hospital staffs, public health nurses, and state residents. Information
9 provided under this subsection may be in the form of a written brochure or other
10 suitable format. The information provided must address an infant's need for early
11 detection of hearing impairment, treatments and devices available to correct
12 hearing impairment and prevent retardation of speech and language development,
13 and government services available to an infant who is not covered by a health plan
14 or whose health plan does not cover treatment or devices to correct infant hearing
15 impairment.
- 16 5. As used in this section, joint committee on infant hearing means the national
17 committee composed of representatives from the American academy of audiology,
18 American academy of otolaryngology-head and neck surgery, American academy
19 of pediatrics, American speech-language-hearing association, council for
20 education of the deaf, and directors of speech and hearing programs in state
21 health and welfare departments.
- 22 6. This section does not require an insurer to provide coverage for any service
23 provided for under this section.

24 **SECTION 3. APPLICATION.** This Act does not apply to any infant born in a county
25 that had fewer than 100 births in 1998, or an average of fewer than 100 births in the years 1996
26 through 1998 as reported by the state department of health, if that infant is born before July 1,
27 2001.

28 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective on January 1, 2000.