

# HOUSE BILL No. 5596

January 9, 2008, Introduced by Rep. Sak and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 9311 (MCL 333.9311) and by adding sections  
9316, 9317, and 9318; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 9311. A **NEWBORN INFANT OR** child is exempt from this part  
2 if a parent, guardian, or person in loco parentis of the **INFANT OR**  
3 child presents a written statement to the **HEALTH PROFESSIONAL,**  
4 **HOSPITAL, OTHER HEALTH FACILITY, OR** administrator of the child's  
5 school stating that the requirement violates the personal religious  
6 beliefs of the parent, guardian, or person in loco parentis.

## SEC. 9316. (1) AS USED IN THIS PART:

8       (A) **"HEALTH PROFESSIONAL"** MEANS AN INDIVIDUAL WHO IS LICENSED,

1 REGISTERED, OR OTHERWISE AUTHORIZED TO PRACTICE A HEALTH PROFESSION  
2 UNDER ARTICLE 15 AND WHO PROVIDES BIRTHING SERVICES OR HEALTH CARE  
3 TO CHILDREN UNDER THAT LICENSE.

4 (B) "HEARING DISORDER" MEANS A DISORDER OF THE AUDITORY SYSTEM  
5 OF A TYPE OR DEGREE THAT CAUSES HEARING LOSS AND THAT INTERFERES  
6 WITH THE DEVELOPMENT OF AN INFANT'S OR CHILD'S LANGUAGE OR SPEECH  
7 SKILLS.

8 (C) "HEARING SCREENING" MEANS THE EMPLOYMENT OF A DEVICE TO  
9 IDENTIFY WHETHER AN INFANT OR CHILD HAS A SUSPECTED HEARING  
10 DISORDER.

11 (D) "HOSPITAL" MEANS A HOSPITAL THAT IS LICENSED UNDER ARTICLE  
12 17 AND THAT PROVIDES BIRTHING SERVICES OR HEALTH CARE TO CHILDREN  
13 UNDER THAT LICENSE.

14 (E) "OTHER HEALTH FACILITY" MEANS A HEALTH FACILITY OR AGENCY  
15 OTHER THAN A HOSPITAL THAT IS LICENSED UNDER ARTICLE 17 AND THAT  
16 PROVIDES BIRTHING SERVICES OR HEALTH CARE TO CHILDREN UNDER THAT  
17 LICENSE.

18 (2) IN ADDITION TO THE DEFINITIONS CONTAINED IN SUBSECTION  
19 (1), ARTICLE 1 CONTAINS DEFINITIONS OF GENERAL APPLICATION TO THIS  
20 PART.

21 SEC. 9317. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR  
22 SECTION 9311, A HOSPITAL, OTHER HEALTH FACILITY, OR HEALTH  
23 PROFESSIONAL THAT PROVIDES BIRTHING SERVICES OUTSIDE OF A HOSPITAL  
24 OR OTHER HEALTH FACILITY SHALL ADMINISTER OR CAUSE TO BE  
25 ADMINISTERED A HEARING SCREENING FOR EACH NEWBORN INFANT BEFORE THE  
26 INFANT IS DISCHARGED FROM THE HOSPITAL OR OTHER HEALTH FACILITY OR  
27 BEFORE THE HEALTH PROFESSIONAL LEAVES THE BIRTHING SITE OUTSIDE OF

1 THE HOSPITAL OR OTHER HEALTH FACILITY. IF THE HEALTH PROFESSIONAL  
2 IN CHARGE AT THE BIRTH OF AN INFANT OUTSIDE OF A HOSPITAL OR OTHER  
3 HEALTH FACILITY IS UNABLE TO ADMINISTER OR CAUSE TO BE ADMINISTERED  
4 A HEARING SCREENING BEFORE LEAVING THE BIRTHING SITE AS REQUIRED IN  
5 THIS SUBSECTION, THE HEALTH PROFESSIONAL SHALL ADMINISTER OR CAUSE  
6 TO BE ADMINISTERED A HEARING SCREENING FOR THE NEWBORN INFANT ON OR  
7 BEFORE THE EXPIRATION OF 30 DAYS AFTER THE DATE OF BIRTH.

8 (2) CONSISTENT WITH REGULATIONS PROMULGATED UNDER THE HEALTH  
9 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996, PUBLIC LAW  
10 104-191, AND WITH ANY RULES PROMULGATED BY THE DEPARTMENT, A  
11 HOSPITAL, OTHER HEALTH FACILITY, HEALTH PROFESSIONAL, OR HEALTH  
12 DEPARTMENT THAT ADMINISTERS OR CAUSES TO BE ADMINISTERED A HEARING  
13 SCREENING UNDER SUBSECTION (1) OR (5) SHALL TRANSMIT, ON FORMS  
14 PRESCRIBED BY THE DEPARTMENT, THE RESULTS OF THE HEARING SCREENING  
15 AND ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT TO ALL OF THE  
16 FOLLOWING:

17 (A) THE DEPARTMENT.

18 (B) THE PARENT OR GUARDIAN OF THE INFANT OR CHILD.

19 (C) THE INFANT'S OR CHILD'S PRIMARY CARE PHYSICIAN, IF KNOWN.

20 (D) THE INFANT'S OR CHILD'S PROVIDER OF AUDIOLOGICAL SERVICES,  
21 IF KNOWN.

22 (3) A HOSPITAL, OTHER HEALTH FACILITY, HEALTH PROFESSIONAL, OR  
23 HEALTH DEPARTMENT THAT ADMINISTERS OR CAUSES TO BE ADMINISTERED A  
24 HEARING SCREENING UNDER SUBSECTION (1) OR (5) SHALL DISTRIBUTE TO  
25 THE PARENT OR GUARDIAN OF THE NEWBORN INFANT OR CHILD THE WRITTEN  
26 MATERIALS DEVELOPED BY THE DEPARTMENT UNDER SECTION 9318(A).

27 (4) A HOSPITAL, OTHER HEALTH FACILITY, HEALTH PROFESSIONAL, OR

1 HEALTH DEPARTMENT THAT ADMINISTERS OR CAUSES TO BE ADMINISTERED A  
2 HEARING SCREENING UNDER SUBSECTION (1) OR (5), WHICH SCREENING  
3 INDICATES THAT THE NEWBORN INFANT OR CHILD MAY HAVE A HEARING  
4 DISORDER, SHALL DO ALL OF THE FOLLOWING:

5 (A) RECOMMEND TO THE PARENT OR GUARDIAN OF THE NEWBORN INFANT  
6 OR CHILD THAT THE INFANT OR CHILD UNDERGO AN AUDIOLOGICAL  
7 EVALUATION AS SOON AS PRACTICABLE.

8 (B) PROVIDE THE PARENT OR GUARDIAN WITH A LIST OF AREA  
9 AGENCIES AND HEALTH PROFESSIONALS THAT PROVIDE AUDIOLOGICAL  
10 EVALUATION SERVICES.

11 (5) A HOSPITAL, OTHER HEALTH FACILITY, HEALTH PROFESSIONAL, OR  
12 HEALTH DEPARTMENT THAT ADMINISTERS OR CAUSES TO BE ADMINISTERED A  
13 HEARING SCREENING TO A CHILD WHO IS LESS THAN 3 YEARS OF AGE, WHICH  
14 CHILD HAS BEEN DIAGNOSED WITH A HEARING DISORDER, SHALL COMPLY WITH  
15 THE REPORTING REQUIREMENTS OF SUBSECTION (2).

16 SEC. 9318. THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

17 (A) DEVELOP AND PROVIDE TO HOSPITALS, OTHER HEALTH FACILITIES,  
18 HEALTH PROFESSIONALS, AND HEALTH DEPARTMENTS THAT ARE REQUIRED TO  
19 OR MAY ADMINISTER OR CAUSE TO BE ADMINISTERED A HEARING SCREENING  
20 UNDER THIS PART WRITTEN INFORMATION REGARDING HEARING DISORDERS IN  
21 INFANTS AND CHILDREN.

22 (B) DEVELOP AND PROVIDE TO HOSPITALS, OTHER HEALTH FACILITIES,  
23 HEALTH PROFESSIONALS, AND HEALTH DEPARTMENTS THAT ARE REQUIRED TO  
24 OR MAY ADMINISTER OR CAUSE TO BE ADMINISTERED A HEARING SCREENING  
25 UNDER THIS PART A LIST OF STATEWIDE AGENCIES AND HEALTH  
26 PROFESSIONALS THAT PROVIDE AUDIOLOGICAL EVALUATION SERVICES.

27 (C) DEVELOP AND PROVIDE TO HOSPITALS, OTHER HEALTH FACILITIES,

1 HEALTH PROFESSIONALS, AND HEALTH DEPARTMENTS THAT ARE REQUIRED TO  
2 OR MAY ADMINISTER OR CAUSE TO BE ADMINISTERED A HEARING SCREENING  
3 UNDER THIS PART THE REPORTING FORMS REQUIRED UNDER SECTION 9317,  
4 INCLUDING AN INFANT SCREENING FORM FOR SCREENINGS UNDER SECTION  
5 9317(1) AND A DIAGNOSTIC SCREENING FORM FOR SCREENINGS UNDER  
6 SECTION 9317(5). THE DEPARTMENT SHALL INCLUDE SPACE IN THE  
7 DIAGNOSTIC SCREENING FORM FOR SCREENINGS UNDER SECTION 9317(5) TO  
8 REPORT THE TYPE, DEGREE, AND SYMMETRY OF THE DIAGNOSIS, ALONG WITH  
9 WHERE AND WHEN THE DIAGNOSIS WAS MADE.

10 Enacting section 1. Section 5432 of the public health code,  
11 1978 PA 368, MCL 333.5432, is repealed.

12 Enacting section 2. This amendatory act takes effect 60 days  
13 after the date it is enacted into law.