

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.