

LCB File No. R191-01

**PROPOSED REGULATION OF THE HEALTH DIVISION
OF THE DEPARTMENT OF HUMAN RESOURCES**

Section 1. Chapter 442 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Hearing screening” means a test or battery of tests administered to determine the need for an in-depth hearing diagnostic evaluation.*

Sec. 4. *“Hospital” has the meaning ascribed to it in NRS 449.012.*

Sec. 5. *“Provider of hearing screenings” means a health care provider who, within the scope of his license or certificate, provides for hearing screenings of newborn children in accordance with sections 2 to 11, inclusive, of this act. The term includes a licensed audiologist, a licensed physician or an appropriately supervised person who has documentation that demonstrates to the state board of health that he has completed training specifically for conducting hearing screenings of newborn children.*

Sec. 6.

1. Except as otherwise provided in this section, a licensed hospital in this state that provides services for maternity care and the care of newborn children and a licensed obstetric center in this state shall not discharge a newborn child who was born in the facility until the newborn child has undergone a hearing screening for the detection of hearing loss to prevent the consequences of unidentified disorders, or has been referred for such a hearing screening.

2. The requirements of subsection 1 do not apply to a hospital in which fewer than 500 births occur annually.

Sec. 7.

1. A hearing screening required by section 6 of this act must be conducted by a provider of hearing screenings.

2. A licensed hospital and a licensed obstetric center shall hire, contract with or enter into a written memorandum of understanding with a provider of hearing screenings to:

(a) Conduct a program for hearing screenings on newborn children in accordance with sections 2 to 11, inclusive;

(b) Provide appropriate training for the staff of the hospital or obstetric center;

(c) Render appropriate recommendations concerning the program for hearing screenings; and

(d) Coordinate appropriate follow-up services.

3. Not later than 24 hours after a hearing screening is conducted on a newborn child, appropriate documentation concerning the hearing screening, including, without limitation, results, interpretations and recommendations, must be placed in the medical file of the newborn child.

4. A licensed hospital and a licensed obstetric center shall annually prepare and submit to the health division a written report concerning hearing screenings of newborn children including the following data:

- a. number of newborn children screened;*
- b. number of infants requiring follow-up; and of those*
 - 1) age at time of hearing screening;*
 - 2) gestational age of infant;*
 - 3) results of the screenings;*
 - 4) type of testing done;*
 - 5) recommendation(s);*
 - 6) referral(s);*
 - 7) county of residence of the infant;*

c. Referrals of infants needing assistance with accessing diagnostic and treatment services shall be made to the health division as they are detected.

d. The name and birth date of the mother.

e. The name of the hospital.

f. The name of the attending physician of the child.

5. The health division shall annually prepare and submit to the governor a written report relating to hearing tests for newborn children.

The written report must include, without limitation:

- (a) A summary of the results of hearing screenings administered to newborn children;*
- (b) An analysis of the effectiveness of the provisions of sections 2 to 11, inclusive, of this act in identifying loss of hearing in newborn children; and*
- (c) Any related recommendations for legislation.*

Sec. 8. *A newborn child may be discharged from the licensed hospital or obstetric center in which he was born without having undergone a required hearing screening or having been referred for a hearing screening if a parent or legal guardian of the newborn child objects in writing to the hearing screening. The hospital or obstetric center shall place the written objection of the parent or legal guardian to the hearing screening in the medical file of the newborn child.*

Sec. 9. *If a hearing screening conducted pursuant to section 6 of this act indicates that a newborn child may have a hearing loss, the physician attending to the newborn child shall recommend to the parent or legal guardian of the newborn child that the newborn child receive an in-depth hearing diagnostic evaluation.*

Sec. 10. *A licensed hospital and a licensed obstetric center shall formally designate a lead physician or audiologist to be responsible for:*

1. The administration of the program for conducting hearing screenings of newborn children; and

2. Monitoring the scoring and interpretation of the test results of the hearing screenings.

Sec. 11.

1. The health division shall create written brochures that use terms which are easily understandable to a parent or legal guardian of a newborn child and include, without limitation:

(a) Information concerning the importance of screening the hearing of a newborn child; and

(b) A description of the normal development of auditory processes, speech and language in children.

2. The health division shall provide the brochures created pursuant to subsections a and b, Section 11 to each licensed hospital and each licensed obstetric center in this state. These facilities shall provide the brochures to the parents or legal guardians of a newborn child.