S T A T E O F N E W Y O R K

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I N S E N A T E

May 14, 2010

Introduced by Sen. DUANE -- (at request of the Department of Health) -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to newborn hearing screening results

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 2500-g of the public health law, as added by chapter 585 of the laws of 1999, is amended to read as follows:

S 2500-g. Newborn INFANT hearing screening. 1. The commissioner shall, within the amounts appropriated therefor, and in consultation with health care providers or their representatives, establish a program to screen newborn infants for hearing problems. This program shall incorporate consensus medical guidelines and protocols, reflecting the most cost-effective methods for detecting hearing problems as early as possible in an infant's life. The program shall provide for follow-up screening including referrals for screening or care. Such program shall also provide for the reimbursement of health care providers performing such services under the program.

2. It shall be the duty of the administrative officer[,] or other designated person[,] at each [institution] FACILITY LICENSED PURSUANT TO ARTICLE TWENTY-EIGHT OF THIS CHAPTER caring for newborn infants, to either administer [such a program or] A HEARING SCREENING UPON EACH SUCH NEWBORN INFANT OR, IF THE FACILITY IS NOT REASONABLY ABLE TO SCREEN A NEWBORN INFANT PRIOR TO DISCHARGE, provide a referral for the [patient] NEWBORN INFANT to obtain the service following discharge. FACILITIES SUBJECT TO THE PROVISIONS OF THIS SECTION THAT ADMINISTER A NEWBORN INFANT HEARING SCREENING SHALL REPORT TO THE DEPARTMENT IN A MANNER AND FORMAT REQUIRED BY THE COMMISSIONER:

(A) THE RESULTS OF EACH NEWBORN INFANT HEARING SCREENING PERFORMED;

(B) INSTANCES IN WHICH A NEWBORN INFANT HEARING SCREENING IS NOT PERFORMED ON A NEWBORN INFANT BEFORE SUCH INFANT IS DISCHARGED FROM THE FACILITY; AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(C) SUCH OTHER INFORMATION OR DATA AS MAY BE REQUIRED BY THE COMMISSIONER PURSUANT TO REGULATION TO FULFILL THE PURPOSES OF THIS SECTION.

3. ANY PERSON WHO PERFORMS A NEWBORN INFANT HEARING SCREENING, MEANING A HEARING SCREENING PERFORMED UPON A NEWBORN INFANT, OTHER THAN A HEARING SCREENING ADMINISTERED BY A FACILITY PURSUANT TO SUBDIVISION TWO OF THIS SECTION, OR UPON A CHILD UNDER SIX MONTHS OF AGE, SHALL REPORT TO THE DEPARTMENT, IN A MANNER AND FORMAT REQUIRED BY THE COMMISSIONER PURSUANT TO REGULATION:

(A) THE RESULTS OF EACH NEWBORN INFANT HEARING SCREENING PERFORMED; AND

(B) SUCH OTHER INFORMATION OR DATA AS MAY BE REQUIRED BY THE COMMISSIONER TO FULFILL THE PURPOSES OF THIS SECTION.

4. THE DEPARTMENT SHALL COLLECT AND MAINTAIN THE NEWBORN INFANT HEARING RESULTS AND INFORMATION PROVIDED PURSUANT TO SUBDIVISIONS TWO AND THREE OF THIS SECTION IN A STATEWIDE INFORMATION SYSTEM DEVELOPED BY THE DEPARTMENT FOR SUCH PURPOSE.

5. THE DEPARTMENT SHALL PROVIDE ACCESS TO NEWBORN INFANT HEARING SCREENING RESULTS AND OTHER INFORMATION OR DATA AS DETERMINED BY THE DEPARTMENT TO THE FOLLOWING PERSONS OR ENTITIES FOR THE FOLLOWING PURPOSES:

(A) THE COMMISSIONER OF HEALTH FOR THE PURPOSES OF OUTREACH, QUALITY IMPROVEMENT AND ACCOUNTABILITY, RESEARCH, AND EPIDEMIOLOGICAL STUDIES AND DISEASE CONTROL;

(B) THE COMMISSIONER OF HEALTH AND MENTAL HYGIENE FOR THE CITY OF NEW YORK AND LOCAL HEALTH DEPARTMENTS FOR PURPOSES OF OUTREACH, QUALITY IMPROVEMENT AND ACCOUNTABILITY, RESEARCH, EPIDEMIOLOGICAL STUDIES AND DISEASE CONTROL;

(C) HEALTH CARE PROFESSIONALS LICENSED UNDER TITLE EIGHT OF THE EDUCATION LAW AND THEIR DESIGNEES FOR THE PURPOSES OF DETERMINING, WITH RESPECT TO NEWBORN INFANTS OR CHILDREN UNDER THEIR CARE, WHETHER A NEWBORN INFANT HEARING SCREENING WAS PERFORMED, WHETHER A RE-SCREENING OR OTHER FOLLOW-UP IS NECESSARY, TO ENTER NEWBORN INFANT HEARING SCREENING RESULTS AND DATA, AND FOR TREATMENT PURPOSES;

(D) A FACILITY LICENSED UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER THAT ADMINISTERS A NEWBORN INFANT HEARING SCREENING FOR THE PURPOSES OF ENTERING NEWBORN INFANT HEARING SCREENING RESULTS AND DATA INTO THE STATEWIDE INFORMATION SYSTEM AND DETERMINING WHETHER A SCREENING, RE-SCREENING OR OTHER FOLLOW-UP IS NECESSARY;

(E) THIRD PARTY PAYERS AS DEFINED IN PARAGRAPH (F) OF SUBDIVISION TWO OF SECTION TWENTY-ONE HUNDRED SIXTY-EIGHT OF THIS CHAPTER FOR THE PURPOSES OF QUALITY ASSURANCE, ACCOUNTABILITY AND OUTREACH RELATING TO ENROLLEES COVERED BY THE THIRD PARTY PAYER; AND

(F) A COMMISSIONER OF A LOCAL SOCIAL SERVICES DISTRICT WITH REGARD TO NEWBORN INFANTS OR CHILDREN IN HIS OR HER LEGAL CUSTODY.

6. ALL NEWBORN HEARING SCREENING RESULTS AND OTHER INFORMATION OR DATA MAINTAINED BY THE DEPARTMENT SHALL BE CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT AS PROVIDED FOR IN THIS SECTION. THE PARENT OR GUARDIAN OF A NEWBORN INFANT OR CHILD FOR WHOM A NEWBORN INFANT HEARING SCREENING WAS PERFORMED MAY OBTAIN A COPY OF THE NEWBORN INFANT HEARING SCREENING RESULTS FROM:

(A) THE FACILITY THAT ADMINISTERED THE NEWBORN INFANT HEARING SCREENING;

(B) THE PERSON WHO PERFORMED THE SCREENING, IF THE SCREENING WAS NOT ADMINISTERED AT A FACILITY SUBJECT TO THE PROVISIONS OF THIS SECTION; OR

(C) THE STATEWIDE INFORMATION SYSTEM THAT MAINTAINS THE RESULTS BY REQUESTING THE RECORD PURSUANT TO PROCEDURES ESTABLISHED BY THE COMMISSIONER IN REGULATION.

S 2. Paragraph (c) of subdivision 4 of section 2168 of the public health law, as amended by section 7 of part A of chapter 58 of the laws of 2009, is amended and a new paragraph (c-1) is added to read as follows:

(c) Any data collected by the department may be included in the statewide immunization information system and the statewide registry of lead levels of children if collection, storage and access of such data is otherwise authorized. Such data may be disclosed to the statewide immunization information system only if provided for in statute [and] OR regulation, and shall be subject to any provisions in such statute or regulation limiting the use or redisclosure of the data. Nothing contained in this paragraph shall permit inclusion of data in the statewide immunization information system if that data could not otherwise be accessed or disclosed in the absence of the system. For the city of New York the commissioner of health and mental hygiene may include data collected in the citywide immunization registry as provided in this paragraph.

(C-1) THE DEPARTMENT MAY REQUIRE THE COLLECTION OF, MAINTENANCE AND ACCESS TO NEWBORN INFANT HEARING SCREENING DATA AND RESULTS THROUGH THE STATEWIDE IMMUNIZATION INFORMATION SYSTEM IN ACCORDANCE WITH SECTION TWENTY-FIVE HUNDRED-G OF THIS CHAPTER.

S 3. This act shall take effect January 1, 2011.