

PUBLIC CHAPTER NO. 768

SENATE BILL NO. 3191

**By Harper, Burchett, Woodson, Ford, Marrero, Haynes, Burks, Herron,
Black, Kyle,
Raymond Finney, Watson**

Substituted for: House Bill No. 2753

**By Pruitt, Montgomery, Shepard, Sargent, Strader, Ferguson, McCord, John
Deberry, Hackworth, Favors, Todd, Yokley, Hawk, Roach, Sontany, Odom,
Sherry Jones, Moore, Cooper, Ulysses Jones, Miller, Lois DeBerry, Harwell,
Brown, West, Pitts, DuBois, Coley, Lollar, Dunn, Maggart, Hood, Eldridge,
McManus, Richardson, Overbey, Williams, Harry Brooks, Gilmore, Watson,
Lundburg, Litz**

AN ACT to amend Tennessee Code Annotated, Section 37-3-703; Title 56, Chapter 7, Part 25 and Title 68, Chapter 5, relative to health screening of children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 5, is amended by adding Sections 3 through 7 of this act as a new part thereto.

SECTION 2. The general assembly finds and declares the following:

(1) That hearing loss occurs in newborns more frequently than any other health condition for which newborn screening is currently required;

(2) That early detection of hearing loss, early intervention, and early follow-up have been demonstrated to be highly effective in encouraging development of a child's health and communication and cognitive skills; and

(3) That such early screening and intervention will serve the public purposes of promoting healthy development of children and reducing public expenditures for health care, special education and related services.

SECTION 3. As used in this part, "hearing screening" or "hearing screening test" means a screening or test provided in accordance with current hearing screening standards established by a nationally recognized organization such as the Joint Committee on Infant Hearing Screening of the American Academy of Pediatrics.

SECTION 4. Every newborn infant shall be screened for hearing loss in order to prevent the consequences of unidentified hearing loss unless the parent or parents of the child object on the grounds that the test would conflict with the parent or parents' religious tenets or practices.

SECTION 5. (a) A child born in a hospital or other birthing facility shall be screened for hearing loss prior to discharge from that facility. The attending health care professional shall refer a child born in a setting other than a hospital or other birthing facility to the Department of Health or an appropriate hearing screening provider as listed in the latest edition of the *Directory of Hearing Screening Providers in Tennessee* for hearing screening. A child born on an emergency basis in a hospital that does not otherwise provide obstetrical or maternity services and which does not provide infant hearing screening tests prior to discharge of an infant from the hospital, shall refer a child born in that facility to the Department of Health or an appropriate hearing screening provider as listed in the latest edition of the *Directory of Hearing Screening Providers in Tennessee* for hearing screening. The hearing screening test shall be provided in accordance with current hearing screening standards established by a nationally recognized organization such as the Joint Committee on Infant Hearing Screening of the American Academy of Pediatrics. All screening providers or entities shall report their screening results to the Department of Health.

(b) Any medical or audiologic provider performing follow-up tests shall report the results of such tests to the Department of Health.

SECTION 6. The results of all hearing screenings performed pursuant to this part shall be reported to the Department of Health. The Department of Health shall refer any child who does not pass the hearing screening test to the Tennessee Early Intervention System (TEIS) of the Department of Education for follow-up. Children who have been identified with hearing loss or high risk conditions that place them at high risk for hearing loss as identified by standards established by a nationally recognized organization such as the Joint Committee on Infant Hearing Screening of the American Academy of Pediatrics shall be referred to the TEIS.

SECTION 7. The Department of Health, in consultation with the Department of Education, shall promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, to effectuate the provisions of this act.

SECTION 8. Tennessee Code Annotated, Title 56, Chapter 7, Part 25, is amended by adding the following as a new, appropriately designated section:

Section 56-7-2508.

(a) "Hearing screening" or "hearing screening test" means a screening or test provided in accordance with current hearing screening standards established by a nationally recognized organization such as the Joint Committee on Infant Hearing Screening of the American Academy of Pediatrics.

(b) Any individual, franchise, blanket or group health insurance policy, medical service plan contract, hospital service corporation contract, hospital and medical service corporation contract, managed health insurance issuer contract, fraternal benefits society plan, or health maintenance organization plan that provides coverage for hospital and surgical expense insurance and which is delivered, issued for delivery, amended or renewed in this state on or after July

1, 2008, shall provide coverage for infant hearing screening tests as provided in Section 5 of this act.

(c) The coverage required by this section may be subject to annual deductible, co-pays, co-insurance and contractual requirements established for other similar benefits within the policy or contract; provided, that the annual deductible, co-pays, co-insurance and contractual requirements for the coverage required by this section are no greater or more restrictive than those established for other similar benefits within the policy or contract of insurance.

(d) Nothing in this section shall apply to accident only, specified disease, hospital indemnity, medicare supplemental, long-term care, disability or other limited benefit insurance policies or to any employer plan exempt from regulation under Title 56 due to Section 514 of the Employee Retirement Income Security Act of 1974 ("ERISA").

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. The title of this act is, and may be cited as, "Claire's Law".

SECTION 11. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: April 3, 2008



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 21st day of April 2008



PHIL BREDESEN, GOVERNOR