

H. B. 2388

(By Delegates Jenkins, Mezzatesta and Spencer)

[Introduced January 14, 1998; referred to the

Committee on Health and Human Resources then Government Organization.]

A BILL to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-two-a, relating to the testing of newborn infants for hearing impairments; legislative findings; testing required; director of health to prescribe testing methods; fee schedule; payment of fees; fees for testing to constitute a reimbursable benefit under most health insurance policies; advisory committee established; members; compensation; meetings; powers; and duties.

Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twenty-two-a, to read as follows:

ARTICLE 22A. TESTING OF NEWBORN INFANTS FOR HEARING IMPAIRMENTS.

§16-22A-1. Legislative findings.

It is hereby declared to be the policy of this state that every newborn infant be evaluated by procedures approved by the state division of health for the detection of hearing impairments, in order to prevent many of the consequences of these disorders: *Provided*, That no evaluation to detect hearing impairments may be made with regard to any newborn infant if the parent(s) of that child object on the grounds that the test would conflict with their religious tenets or practices.

§16-22A-2. Testing required.

The physician attending a newborn infant shall cause that infant to be tested for hearing impairments. The director of the division of health shall prescribe the test or tests to be used for evaluating hearing impairments in newborn infants pursuant to this article.

§16-22A-3. Fees for testing; payment of same.

(a) In accordance with article three, chapter twenty-nine-a of this code, the director of the division of health is authorized to establish by legislative rule a reasonable fee schedule for hearing impairment testing to cover program costs not otherwise covered by federal grant funds specifically secured for this purpose.

(b) Testing required under this article shall be a covered benefit reimbursable by all health insurers except for health insurers that offer only supplemental coverage policies or policies which cover only specified diseases.

(c) The department of health and human resources shall pay for testing required under this article when the newborn infant is eligible for medical assistance under the provisions of section twelve, article five, chapter nine of this code.

(d) In the absence of a third-party payor, charges for the testing required under this article shall be paid by the hospital or other health care facility where the infant's birth occurred: *Provided*, That nothing contained in this section may be construed to preclude the hospital or other health care facility from billing the infant's parent(s) directly.

§16-22A-4. Hearing impairment testing advisory committee established.

There is hereby established a West Virginia hearing impairment testing advisory committee which shall advise the director of the division of health regarding the protocol, validity, monitoring and cost of testing procedures required under this article. This committee shall meet at least four times per year, be chaired by the director of the division of health and be composed of twelve members appointed by the director from among the following:

- (1) A representative of the health insurance industry;
- (2) An otolaryngologist or otologist;
- (3) An audiologist with experience in evaluating infants;
- (4) A neonatologist;
- (5) A pediatrician;
- (6) A hospital administrator;
- (7) A speech or language pathologist;
- (8) A teacher or administrative representative from the West Virginia school of the deaf;
- (9) A parent of a hearing-impaired child;
- (10) A representative from the office of early intervention services within the department of health and human resources;
- (11) A representative from the state department of education; and
- (12) A representative from the West Virginia commission for the deaf and hard-of-hearing.

Members of this advisory committee shall serve without compensation. A majority of members shall constitute a quorum for the transaction of all business. Members shall serve for two-year terms and may not serve for more than two consecutive terms.

NOTE: The purpose of this bill is to require that newborn infants be tested for hearing impairments. It also provides for different methods of payment and established a noncompensated advisory board to be headed by the director of the division of health.

This article is new; therefore, strike-throughs and underscoring have been omitted.