

104TH CONGRESS
1ST SESSION

H. R. 396

To require hearing loss testing for all newborns in the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. WALSH introduced the following bill; which was referred to the Committee on Commerce

A BILL

To require hearing loss testing for all newborns in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hearing Loss Testing
5 Act of 1995”.

6 **SEC. 2. REQUIRING HEARING LOSS TESTING FOR ALL**
7 **NEWBORNS IN THE UNITED STATES.**

8 (a) IN GENERAL.—The Secretary of Health and
9 Human Services shall require that every child born in the
10 United States receive testing for hearing loss at the time

1 of birth in accordance with standards established under
2 subsection (b).

3 (b) ESTABLISHMENT OF UNIFORM STANDARDS FOR
4 HEARING LOSS TESTING PROGRAMS.—As soon as prac-
5 ticable after the date of the enactment of this Act, the
6 Secretary shall promulgate regulations which establish
7 uniform standards for the testing of hearing loss at the
8 time of birth under this section.

9 (c) ENFORCEMENT.—The Secretary shall establish
10 by regulation appropriate enforcement mechanisms, such
11 as loss of provider participation under title XVIII or XIX
12 of the Social Security Act, to assure compliance with the
13 requirement of subsection (a).

14 (d) EFFECTIVE DATE.—Subsection (a) shall apply to
15 children born on or after the date standards are estab-
16 lished under subsection (b).

17 **SEC. 3. REQUIRING COVERAGE OF HEARING LOSS TESTING**
18 **IN HEALTH INSURANCE POLICIES.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law, each health insurance policy (including con-
21 tracts for coverage by health maintenance organizations)
22 which provides for any benefits with respect to a newborn
23 shall include coverage for testing for hearing loss in
24 newborns in accordance with the standards established
25 under section 2(b).

1 (b) ENFORCEMENT.—The Secretary of Health and
2 Human Services is authorized to initiate action in any
3 Federal district court in a district in which the issuer of
4 a health insurance policy is doing business in order to as-
5 sure compliance with the requirement of subsection (a).

6 (c) EFFECTIVE DATE.—This section shall apply to
7 policies issued or renewed in the United States on or after
8 the date of establishment of standards under section 2(b).

9 **SEC. 4. MEDICAID CLARIFICATION.**

10 (a) IN GENERAL.—Section 1905(r)(1) of the Social
11 Security Act (42 U.S.C. 1396d(r)(1)) is amended by add-
12 ing at the end the following: “Screening services under
13 this paragraph shall include testing for hearing loss in
14 newborns in accordance with standards established under
15 section 2(b) of the Hearing Loss Testing Act of 1995.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect on the first day of the first
18 calendar quarter beginning after the date standards are
19 established under section 2(b).

20 **SEC. 5. PROGRAMS OF HEARING LOSS TESTING FOR OTHER**
21 **NEWBORNS.**

22 (a) IN GENERAL.—The Secretary of Health and
23 Human Services shall provide for such a grant or other
24 program as may be necessary to assure that all newborns
25 in the United States are provided testing for hearing loss

1 at the time of birth. Such a program shall be designed
2 in a manner so as not to duplicate the provision of such
3 testing under section 3 or under the medicaid program
4 (under the amendment made by section 4(a)).

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated for fiscal year 1996 and
7 each succeeding fiscal year such sums as may be necessary
8 to carry out the program under subsection (a).

○