

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN SENATE JUNE 9, 2010

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY APRIL 13, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2072

Introduced by Assembly Member Mendoza

February 18, 2010

An act to add ~~Section 124121~~ *Sections 124121 and 124122* to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2072, as amended, Mendoza. Hearing screening: resources and services.

Existing law, the Newborn and Infant Hearing Screening, Tracking, and Intervention Act, requires every general acute care hospital with licensed perinatal services to offer every newborn a hearing screening test for the identification of hearing loss, as specified, and provide written information on the availability of community resources and services for children with hearing loss to the parents of those who are diagnosed with a hearing loss.

Existing law, the California Early-~~Start~~ Intervention Services Act, commonly known as the Early Start program, provides various early intervention services for infants and toddlers who have disabilities to

enhance their development and to minimize the potential for developmental delays.

~~This bill would also require that parents of a newborn or infant diagnosed with a hearing loss be provided written or electronic information from the National Institute on Deafness and Other Communication Disorders on specified communication options for children with hearing loss by an audiologist at a followup appointment after diagnosis with a hearing loss, and by a local provider for the Early Start Program upon initial contact with the parents of a newborn or infant newly diagnosed with a hearing loss. It would also specify that neither the state, nor an audiologist, nor an Early Start Program provider, shall incur the cost of implementing this bill.~~ *the State Department of Education develop an informational pamphlet, as specified, for newborns and infants identified as deaf or hard of hearing, that is about visual and auditory communication and language options and is sufficient to allow a parent to make an informed decision on which options to choose for his or her child. This bill would require the department to convene an advisory stakeholder panel, composed as prescribed, to develop and revise the informational pamphlet, as specified, until January 1, 2017. This bill would require that the informational pamphlet be provided to parents of all newborns and infants identified as deaf or hard of hearing by an audiologist immediately upon identification of a newborn or infant as deaf or hard of hearing, and by a local provider for the Early Start Program upon initial contact with the parents of a newborn or infant newly identified as deaf or hard of hearing. This bill would require the informational pamphlet to be made available in Cantonese, English, Spanish, and Vietnamese, and be made available on the department's Internet Web site and the Speech-Language Pathology and Audiology Board's Internet Web site.*

This bill would provide that these provisions would be implemented only upon determination by the Director of Finance that sufficient donations have been collected and deposited into the Language and Communication for Deaf and Hard of Hearing Children Fund, which this bill would create in the State Treasury, and upon the appropriation of that fund. This bill would provide that no state funds shall be used to implement these provisions.

This bill would also state the intent of the Legislature that every newborn or infant who does not pass his or her preliminary hearing screening test receive a followup hearing screening no later than 3

months of age, and that the Legislature strongly encourages the State Department of Health Care Services to work toward this goal.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 124121 is added to the Health and Safety
2 Code, to read:

3 124121. (a) The department shall develop an unbiased,
4 comprehensive, evidence-based informational pamphlet for
5 newborns and infants identified as deaf or hard of hearing about
6 visual and auditory communication and language options
7 including, but not limited to, American Sign Language (ASL), and
8 Listening and Spoken Language, that is sufficient to allow a parent
9 to make an informed decision on which options to choose for his
10 or her child. The pamphlet shall take into account the different
11 values and beliefs of the parents of deaf and hard of hearing
12 children. The pamphlet shall contain both benefits and risks of all
13 options, convey educational attainment outcomes, and clearly
14 convey that those options may be used simultaneously. The
15 pamphlet shall also include information about educational
16 programs for children provided by local educational agencies, the
17 California Schools for the Deaf, nonpublic schools and agencies,
18 and parent-to-parent support resources through the local family
19 resource centers.

20 (b) A parent of a newborn or infant identified as deaf or hard
21 of hearing shall be provided the informational pamphlet developed
22 pursuant to subdivision (a). The pamphlet shall be provided:

23 (1) By an audiologist immediately upon identification of a
24 newborn or infant as deaf or hard of hearing.

25 (2) By a local provider for the Early Start Program, provided
26 for pursuant to the California Early Intervention Services Act (Title
27 14 (commencing with Section 95000) of the Government Code)
28 upon initial contact with the parents of a newborn or infant newly
29 identified as deaf or hard of hearing.

30 (c) (1) The department shall convene an advisory stakeholder
31 panel to contribute to the development of the informational
32 pamphlet required pursuant to subdivision (a). The members of
33 the panel shall receive no compensation for their services, but

1 shall be allowed the actual necessary traveling expenses incurred
2 in the discharge of their duties. The panel shall be composed of
3 eleven members, as follows:

4 (A) An adult who is deaf or hard of hearing, and who uses
5 auditory-oral language, appointed by the Governor.

6 (B) An adult who is deaf or hard of hearing, and who uses visual
7 language, appointed by the Governor.

8 (C) An educator of the deaf in an auditory-oral educational
9 setting, appointed by the Senate Committee on Rules.

10 (D) An educator of the deaf in a visual language education
11 setting, appointed by the Senate Committee on Rules.

12 (E) A parent representative of a child who primarily uses
13 auditory-oral communication methods, appointed by the Governor.

14 (F) A parent representative of a child who primarily uses visual
15 language, appointed by the Governor.

16 (G) A representative of a nonprofit organization that services
17 primarily auditory-oral learners, appointed by the Speaker of the
18 Assembly.

19 (H) A representative of a nonprofit organization that services
20 primarily visual language learners, appointed by the Speaker of
21 the Assembly.

22 (I) A researcher engaged in the study of auditory-oral
23 communication for persons who are deaf or hard of hearing,
24 appointed by the Governor.

25 (J) A researcher engaged in the study of visual language and
26 communication modalities for persons who are deaf or hard of
27 hearing, appointed by the Governor.

28 (K) The Secretary for Education, who shall be an *ex officio*
29 member.

30 (2) (A) All members of the panel shall be appointed no later
31 than January 1, 2012. An appointee to the panel shall not serve
32 for more than five years.

33 (B) No member of the panel may have a financial relationship
34 or a conflict of interest with any entity that has contributed funding
35 pursuant to subdivision (f).

36 (3) Subject to subdivision (f), the panel shall commence
37 operations on January 1, 2012. The panel shall provide
38 recommendations to be included in the pamphlet developed
39 pursuant to subdivision (a) six months after the panel commences
40 operations. Every two years thereafter, the department shall review

1 *the pamphlet and shall revise the information, if the department*
2 *determines that new or revised information is necessary. At the*
3 *request of the department, the panel may be asked to reconvene*
4 *to review updates and changes to the pamphlet. The panel shall*
5 *then have three months to review and provide additional*
6 *recommendations to the department.*

7 *(4) The department and the panel shall consider written input*
8 *and information submitted by members of the general public in*
9 *the creation of the pamphlet.*

10 *(d) The panel shall remain in existence until January 1, 2017.*

11 *(e) The pamphlet developed pursuant to subdivision (a) shall*
12 *be made available in Cantonese, English, Spanish, and Vietnamese.*
13 *The pamphlet developed pursuant to subdivision (a) shall be made*
14 *available on the department's Internet Web site and the*
15 *Speech-Language Pathology and Audiology Board's Internet Web*
16 *site.*

17 *(f) (1) There is hereby created the Language and*
18 *Communication for Deaf and Hard of Hearing Children Fund in*
19 *the State Treasury. The fund shall contain donations that have*
20 *been collected and deposited for the purposes of this section, as*
21 *well as any federal funds made available for purposes of this*
22 *section. Notwithstanding Section 16305.7 of the Government Code,*
23 *the fund shall also contain any interest and dividends earned on*
24 *moneys in the fund. No entity may contribute moneys to this fund*
25 *that participates in a lobbying activity or has a financial*
26 *relationship or any other conflict of interest, with, any appointed*
27 *panel members, or that stands to benefit financially from the*
28 *outcome of the pamphlet development. No state funds shall be used*
29 *to implement this section.*

30 *(2) Subject to paragraph (3), moneys in the Language and*
31 *Communication for Deaf and Hard of Hearing Children Fund*
32 *shall be available, upon appropriation by the Legislature, for the*
33 *implementation of this section.*

34 *(3) No moneys shall be expended from the fund until the Director*
35 *of Finance determines that sufficient money is in the fund to*
36 *implement this section. If sufficient money is in the fund, the*
37 *Director of Finance shall file a written notice thereof with the*
38 *Secretary of State. Subdivisions (a) to (e), inclusive, shall not be*
39 *implemented until moneys in the fund are appropriated for*
40 *purposes of this section.*

1 (g) Notwithstanding subdivision (c) of Section 124116, as used
2 in this section, "department" means the State Department of
3 Education.

4 SEC. 2. Section 124122 is added to the Health and Safety Code,
5 to read:

6 124122. It is the intent of the Legislature that every newborn
7 and infant who does not pass his or her preliminary hearing
8 screening test receive a followup hearing screening no later than
9 three months of age. The Legislature strongly encourages the
10 department to work toward this goal.

11 SECTION 1. Section 124121 is added to the Health and Safety
12 Code, to read:

13 ~~124121. (a) Parents of all newborns and infants diagnosed~~
14 ~~with a hearing loss shall be provided written or electronic~~
15 ~~information from the National Institute on Deafness and Other~~
16 ~~Communication Disorders on American Sign Language (ASL),~~
17 ~~Total Communication, Cued Speech, and Listening and Spoken~~
18 ~~Language communication options for children with hearing loss,~~
19 ~~including, but not limited to, information about deaf and~~
20 ~~hard-of-hearing organizations, agencies and early intervention~~
21 ~~centers, and educational programs. The information shall be~~
22 ~~provided:~~

23 ~~(1) By an audiologist at a followup appointment after diagnosis~~
24 ~~with a hearing loss.~~

25 ~~(2) By a local provider for the Early Start Program, provided~~
26 ~~for pursuant to the California Early Intervention Services Act (Title~~
27 ~~14 (commencing with Section 95000) of the Government Code)~~
28 ~~upon initial contact with the parents of a newborn or infant newly~~
29 ~~diagnosed with a hearing loss.~~

30 ~~(b) Neither the state, nor an audiologist, nor an Early Start~~
31 ~~Program provider, shall incur any cost for the implementation of~~
32 ~~this section.~~