

AMENDED IN SENATE AUGUST 17, 2010

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 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 Intervention Services Act, commonly known as the Early Start ~~program~~ *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 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~~ *that would help a parent make informed decisions* 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~~, *as prescribed*.

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: 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:

1 124121. (a) The department shall develop an unbiased,
2 comprehensive, evidence-based informational pamphlet for
3 newborns and infants identified as deaf or hard of hearing about
4 visual and auditory communication and language options including,
5 but not limited to, American Sign Language (ASL), and Listening
6 and Spoken Language, ~~that is sufficient to allow a parent to make~~
7 ~~an informed decision on which options to choose for his~~ *would*
8 *help a parent make informed decisions for his or her child.* The
9 pamphlet shall take into account the different values and beliefs
10 of the parents of deaf and hard of hearing children. The pamphlet
11 shall contain both benefits and risks of all options, convey
12 educational attainment outcomes, and clearly convey that those
13 options may be used simultaneously. The pamphlet shall also
14 include information about educational programs for children
15 provided by local educational agencies, the California Schools for
16 the Deaf, nonpublic schools and agencies, and parent-to-parent
17 support resources through the local family resource centers.

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

21 (1) By an audiologist immediately upon identification of a
22 newborn or infant as deaf or hard of hearing. *The audiologist shall*
23 *not inform or counsel a parent toward a particular option beyond*
24 *the scope of his or her practice.*

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 shall~~
34 ~~be allowed the actual necessary traveling expenses incurred in the~~
35 ~~discharge of their duties.~~ *The panel shall be composed of services.*
36 *The panel shall be composed of eleven 13 members, as follows:*

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

1 (B) An adult who is deaf or hard of hearing, and who uses visual
2 language, *including, but not limited to, ASL*, appointed by the
3 Governor.

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

6 (D) An educator of the deaf in a visual language, *including, but*
7 *not limited to, ASL* education setting, appointed by the Senate
8 Committee on Rules.

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

11 (F) A parent representative of a child who primarily uses visual
12 language, *including, but not limited to, ASL*, appointed by the
13 Governor.

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

17 (H) A representative of a nonprofit organization that services
18 primarily visual language, *including, but not limited to, ASL*
19 learners, appointed by the Speaker of the Assembly.

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

23 (J) A researcher engaged in the study of visual language,
24 *including, but not limited to, ASL*, and communication modalities
25 for persons who are deaf or hard of hearing, appointed by the
26 Governor.

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

29 *(K) An audiologist who specializes in evaluating and treating*
30 *infants, appointed by the Speaker of the Assembly.*

31 *(L) A physician who specializes in pediatric otolaryngology,*
32 *appointed by the Senate Committee on Rules.*

33 *(M) The Superintendent of Public Instruction, or his or her*
34 *designee, who shall be an ex officio member.*

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

38 ~~(B) No member of the panel may~~ *A member of the panel shall*
39 *not have a financial relationship or a conflict of interest with any*
40 *entity that has contributed funding pursuant to subdivision (f).*

1 (3) (A) Subject to subdivision (f), the panel shall commence
2 operations on January 1, 2012. The panel shall provide
3 recommendations to be included in the pamphlet developed
4 pursuant to subdivision (a) six months after the panel commences
5 operations.—~~Every~~ *The panel shall hold meetings at the*
6 *department's headquarters and the number of meetings shall not*
7 *exceed six in this six-month period.*

8 (B) *Every* two years thereafter, the department shall review the
9 pamphlet and shall revise the information, if the department
10 determines that new or revised information is necessary. At the
11 request of the department, the panel may be asked to reconvene
12 to review updates and changes to the pamphlet. The panel shall
13 then have three months to review and provide additional
14 recommendations to the department. *The panel shall hold meetings*
15 *at the department's headquarters and the number of meetings shall*
16 *not exceed three in this three-month period.*

17 (4) The department and the panel shall consider written input
18 and information submitted by members of the general public in
19 the creation of the pamphlet.

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

21 (e) The pamphlet developed pursuant to subdivision (a) shall
22 be made available in Cantonese, English, Spanish, and Vietnamese.
23 The pamphlet developed pursuant to subdivision (a) shall be made
24 available on the department's Internet Web—~~site and the~~
25 ~~Speech-Language Pathology and Audiology Board's Internet Web~~
26 ~~site.~~ *site. The department shall make available on its Internet Web*
27 *site a video where the text of the pamphlet developed pursuant to*
28 *subdivision (a) is presented in ASL with captioning in written*
29 *English.*

30 (f) (1) There is hereby created the Language and
31 Communication for Deaf and Hard of Hearing Children Fund in
32 the State Treasury. The fund shall contain donations that have been
33 collected and deposited for the purposes of this section, as well as
34 any federal funds made available for purposes of this section.
35 Notwithstanding Section 16305.7 of the Government Code, the
36 fund shall also contain any interest and dividends earned on moneys
37 in the fund. ~~No entity may contribute moneys to this fund that~~
38 ~~participates in a lobbying activity or has a financial relationship~~
39 ~~or any other conflict of interest, with, any appointed panel~~
40 ~~members, or that stands to benefit financially from the outcome~~

1 ~~of the pamphlet development.~~ No state funds shall be used to
2 implement this section.

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

7 (3) No moneys shall be expended from the fund until the
8 Director of Finance determines that sufficient money is in the fund
9 to implement this section. If sufficient money is in the fund, the
10 Director of Finance shall file a written notice thereof with the
11 Secretary of State. Subdivisions (a) to (e), inclusive, shall not be
12 implemented until moneys in the fund are appropriated for purposes
13 of this section.

14 (g) Notwithstanding subdivision (c) of Section 124116, as used
15 in this section, “department” means the State Department of
16 Education.

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

19 124122. It is the intent of the Legislature that every newborn
20 and infant who does not pass his or her preliminary hearing
21 screening test receive a followup hearing screening no later than
22 three months of age. The Legislature strongly encourages the
23 department to work toward this goal.