

AMENDED IN SENATE AUGUST 20, 2010

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, 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 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 audiologist to note in the newborn's or infant's record that the parent has received the informational pamphlet and, during the course of evaluation and treatment, to inform and counsel the parent of all available communication options.* 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, 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:

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 including,
7 but not limited to, American Sign Language (ASL), and Listening
8 and Spoken Language, that would help a parent make informed
9 decisions for his or her child. The pamphlet shall take into account
10 the different values and beliefs of the parents of deaf and hard of
11 hearing children. The pamphlet shall contain both benefits and
12 risks of all options, convey educational attainment outcomes, and
13 clearly convey that those options may be used simultaneously. The
14 pamphlet shall also include information about educational programs
15 for children provided by local educational agencies, the California
16 Schools for the Deaf, nonpublic schools and agencies, and
17 parent-to-parent support resources through the local family resource
18 centers.

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

22 (1) By an audiologist immediately upon identification of a
23 newborn or infant as deaf or hard of hearing. The audiologist shall
24 ~~not inform or counsel a parent toward a particular option beyond~~
25 ~~the scope of his or her practice.~~ *note in the newborn's or infant's*
26 *record that the parent has received the informational pamphlet.*
27 *During the course of evaluation and treatment, the audiologist*
28 *shall inform and counsel the parent of all available communication*
29 *and language options as described in the pamphlet.*

30 (2) By a local provider for the Early Start Program, provided
31 for pursuant to the California Early Intervention Services Act (Title
32 14 (commencing with Section 95000) of the Government Code)
33 upon initial contact with the parents of a newborn or infant newly
34 identified as deaf or hard of hearing.

35 (c) (1) The department shall convene an advisory stakeholder
36 panel to contribute to the development of the informational
37 pamphlet required pursuant to subdivision (a). The members of

1 the panel shall receive no compensation for their services. The
2 panel shall be composed of ~~13~~ 15 members, as follows:

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

5 (B) An adult who is deaf or hard of hearing, and who uses ~~visual~~
6 ~~language, including, but not limited to,~~ ASL, appointed by the
7 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, including, but~~
11 ~~not limited to,~~ an ASL education setting, appointed by the Senate
12 Committee on Rules.

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

15 (F) A parent representative of a child who primarily uses ~~visual~~
16 ~~language, including, but not limited to,~~ ASL, appointed by the
17 Governor.

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

21 (H) A representative of a nonprofit organization that services
22 primarily ~~visual language, including, but not limited to,~~ ASL
23 learners, appointed by the Speaker of the Assembly.

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

27 (J) A researcher engaged in the study of ~~visual language,~~
28 ~~including, but not limited to,~~ ASL, ASL and communication
29 modalities for persons who are deaf or hard of hearing, appointed
30 by the Governor.

31 (K) *Two adults who are deaf or hard of hearing, and who*
32 *primarily use other visual communication modalities, appointed*
33 *by the Governor.*

34 ~~(K)~~

35 (L) An audiologist who specializes in evaluating and treating
36 infants, appointed by the Speaker of the Assembly.

37 ~~(L)~~

38 (M) A physician who specializes in pediatric otolaryngology,
39 appointed by the Senate Committee on Rules.

40 ~~(M)~~

1 (N) The Superintendent of Public Instruction, or his or her
2 designee, who shall be an ex officio member.

3 (2) *At least five members of the panel appointed by the*
4 *Governor, one member appointed by the Senate Committee on*
5 *Rules, and one member appointed by the Speaker of the Assembly,*
6 *shall be deaf or hard of hearing adults.*

7 ~~(2)~~

8 (3) (A) All members of the panel shall be appointed no later
9 than January 1, 2012. An appointee to the panel shall not serve for
10 more than five years.

11 (B) A member of the panel shall not have a financial relationship
12 or a conflict of interest with any entity that has contributed funding
13 pursuant to subdivision (f).

14 (3) (A) Subject to subdivision (f), the panel shall commence
15 operations on January 1, 2012. The panel shall provide
16 recommendations to be included in the pamphlet developed
17 pursuant to subdivision (a) six months after the panel commences
18 operations. The panel shall hold meetings at the department's
19 headquarters and the number of meetings shall not exceed six in
20 this six-month period.

21 (B) Every two years thereafter, the department shall review the
22 pamphlet and shall revise the information, if the department
23 determines that new or revised information is necessary. At the
24 request of the department, the panel may be asked to reconvene
25 to review updates and changes to the pamphlet. The panel shall
26 then have three months to review and provide additional
27 recommendations to the department. The panel shall hold meetings
28 at the department's headquarters and the number of meetings shall
29 not exceed three in this three-month period.

30 (4) The department and the panel shall consider written input
31 and information submitted by members of the general public in
32 the creation of the pamphlet.

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

34 (e) The pamphlet developed pursuant to subdivision (a) shall
35 be made available in Cantonese, English, Spanish, and Vietnamese.
36 The pamphlet developed pursuant to subdivision (a) shall be made
37 available on the department's Internet Web site. The department
38 shall make available on its Internet Web site a video where the
39 text of the pamphlet developed pursuant to subdivision (a) is
40 presented in ASL with captioning in written English.

1 (f) (1) There is hereby created the Language and
 2 Communication for Deaf and Hard of Hearing Children Fund in
 3 the State Treasury. The fund shall contain donations that have been
 4 collected and deposited for the purposes of this section, as well as
 5 any federal funds made available for purposes of this section.
 6 Notwithstanding Section 16305.7 of the Government Code, the
 7 fund shall also contain any interest and dividends earned on moneys
 8 in the fund. *No entity or individual may contribute moneys to this*
 9 *fund that has a commercial interest related to communication*
 10 *options, or products for the deaf or hard of hearing. A donor shall*
 11 *disclose any commercial interests at the time the donor's donation*
 12 *is remitted to the State Treasury. Nothing in this subdivision shall*
 13 *be construed to preclude a tax-exempt non-profit organization,*
 14 *qualified under Section 501 (c) (3) of the Internal Revenue Code*
 15 *from donating to this fund.* No state funds shall be used to
 16 implement this section.

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

21 (3) No moneys shall be expended from the fund until the
 22 Director of Finance determines that sufficient money is in the fund
 23 to implement this section. If sufficient money is in the fund, the
 24 Director of Finance shall file a written notice thereof with the
 25 Secretary of State. Subdivisions (a) to (e), inclusive, shall not be
 26 implemented until moneys in the fund are appropriated for purposes
 27 of this section.

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

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

33 124122. It is the intent of the Legislature that every newborn
 34 and infant who does not pass his or her preliminary hearing
 35 screening test receive a followup hearing screening no later than
 36 three months of age. The Legislature strongly encourages the
 37 department to work toward this goal.

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