

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB488)

Received: 01/20/2010

Received By: **tdodge**

Wanted: **As time permits**

Identical to LRB:

For: **Kristen Dexter (608) 266-9172**

By/Representing: **Ilsa Peterson**

This file may be shown to any legislator: **NO**

Drafter: **tdodge**

May Contact:

Addl. Drafters:

Subject: **Health - public health**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Dexter@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Changes to newborn hearing screening

Instructions:

See attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	tdodge 01/27/2010	nnatzke 02/08/2010	mduchek 02/08/2010	_____	lparisi 02/08/2010		
/1	tdodge 03/01/2010	nnatzke 03/01/2010	rschluet 03/01/2010	_____	sbasford 03/01/2010	sbasford 03/01/2010	
/2	tdodge 03/04/2010	nnatzke 03/04/2010	mduchek 03/05/2010	_____	cduerst 03/05/2010	cduerst 03/05/2010	

FE Sent For:

<END>

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/1	tdodge 03/01/2010	nmatzke 03/01/2010	rschluet 03/01/2010	_____	sbasford 03/01/2010	sbasford 03/01/2010	

FE Sent For:

Handwritten notes:
1/2 nwn 3/4
3/4
Km 3/5
JH/S
<END>

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1 nwn
3/1

3/10

3/1/10

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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

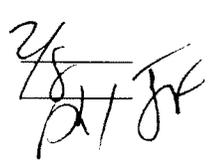
Changes to newborn hearing screening

Instructions:

See attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/?	tdodge	/PI ^{0W9} 2/2					
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FE Sent For:

<END>

Dodge, Tamara

From: Peterson, Ilsa
Sent: Wednesday, January 20, 2010 10:21 AM
To: Dodge, Tamara
Subject: AB 488 or LRB 3441/1
Attachments: Language for Substitute Amendment to AB 488.doc

Tamara-

Rep Dexter and I have been working over the last few months on some issues that arose with AB 488 or LRB 3441/1. I have detailed the changes that we would like to make in the attached document. Because I'm not sure that this will solve the problems if we could get a preliminary substitute amendment that would be great!

If you have questions about the changes please let me know!

Thank you so much!
Ilsa

Ilsa Peterson

Office of Representative Kristen Dexter
68th Assembly District
Phone: (608) 266-9172
Toll Free: (888) 534-0068

Substitute Amendment to AB 488

1. Create uniformity with assure, ensure or shall arrange. Not sure what is best, would like the drafters opinion on this.

2. Drafters Concerns:

The statute, as this bill proposes to amend it, does not make apparent how the State Laboratory of Hygiene obtains the hearing test results. Without requiring the hospitals or physicians to send the results, there is a risk that they will stop sending the results even though the State Laboratory of Hygiene will still be required to report them.

DHS also recommends that the bill include reporting to the department noting, at least, but not limited to, the following items: screening results, risk factors, diagnostic results, referrals. (**Drafters Concerns too, please use underlined language**)

3. The physician, nurse–midwife, or certified professional midwife **who orders the newborn hearing screening test** *shall ensure* the parents or legal guardian of the infant *are advised* of the hearing test results.

-Often the hearing results are not available when the Dr. sees the infants and they need to let the nurses do the notification.

- Is there a problem with “who orders the test” language?

Wisconsin State Laboratory of Hygiene (WSLH) and the Department of Health Services (DHS)

4. As this bill impacts the newborn hearing screening program, DHS and the WSLH would like to see that the proposed language (and/or its intent) be inserted into existing ss.253.115 **Newborn hearing screening programs** as opposed to the current draft impacting ss.253.13: **Tests for congenital disorders.**

5. We would like to add an “opt out” exemptions clause/statute to the Newborn Hearing Screening programs 253.115 like the one that is found in 253.13(3).

6. Second, DHS suggests that the definition of hearing screening defined in AB 488 in ss. 253.13(1g)(b) be amended when inserted into ss. 253.115 to include:

- 1) physicians’ and nurse midwives’ responsibility in getting the infant tested before hospital discharge should fall within the “assurance” role rather than in an “arrange for testing” role
- 2) change language from “testing” to “screen for hearing loss”
- 3) include language to “screen all newborns prior to discharge or within 30 days if home birth”
- 4) include language to advise parents of results and provide information on available resources;

The definition would read as follows:

The physician, nurse-midwife licensed under s. 441.15 or certified professional midwife licensed under s. 440.982 who attended the birth shall *assure that the infant be screened for hearing loss before discharge or within 30 days of birth if the infant was not born in a hospital.* The physician, nurse-midwife, or certified professional midwife who **orders the newborn hearing screening** shall *assure* the parents or legal guardian of the infant are advised of the hearing test results, and shall provide information on available resources.

7. Third, DHS recommends including the definitions for diagnostic services and follow up services in statute:

Diagnostic services: confirmation of the presence of hearing loss

Follow up services: referral to the state's intervention programs (which will be listed, described, and updated as appropriate on the DHS website, not in administrative rule)

Fourth, DHS recommends that the bill include reporting to the department noting, at least, but not limited to, the following items: screening results, risk factors, diagnostic results, referrals. **(Drafters Concerns too, please use underlined language)**



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0248(?) P1
TJD: L...
Lhwn
RMR

In: 1/27/10 SOON
TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2009 ASSEMBLY BILL 488

D-note

SAV
x-ref ✓

Gen.

1 **AN ACT ...; relating to: requiring newborn hearing screening.** ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 253.115 (title) of the statutes is amended to read:

3 **253.115 (title) Newborn hearing screening programs.** ✓

History: 1999 a. 9, 185.

4 **SECTION 2.** 253.115 [^](1) (title) of the statutes is created to read:

5 253.115 (1) (title) **DEFINITIONS.** ✓

6 **SECTION 3.** 253.115 [^](2) (title) of the statutes is created to read:

7 253.115 (2) (title) **SCREENING PROGRAM REPORT.** ✓

8 **SECTION 4.** 253.115 [^](3) (title) of the statutes is created to read:

9 253.115 (3) (title) **HOSPITAL SCREENING PROGRAM.** ✓

10 **SECTION 5.** 253.115 (4), (5), (6) ^{and} (7) ^{and} (8) of the statutes are created to read:

stet

1 253.115 (4) SCREENING REQUIRED. Except as provided in sub. (6), the physician,
2 nurse-midwife licensed under s. 441.15, or certified professional midwife licensed
3 under s. 440.982 who attended the birth shall ensure that the infant is screened for
4 hearing loss before being discharged from a hospital, or within 30 days of birth if the
5 infant was not born in a hospital.

6 (5) DIAGNOSTIC AND FOLLOW-UP SERVICES. (a) The department shall provide
7 necessary services for confirmation of the presence of hearing loss and referral to
8 intervention programs.

 ****NOTE: This subsection is created based on a small portion of s. 253.13 (2).
Instead of defining the terms separately, I incorporated them in the subsection.

9 (6) EXCEPTIONS. (a) Subsection (4) shall not apply if the parents or legal
10 guardian of the child object to a screen for hearing loss on the grounds that the test
11 conflicts with their religious tenets and practices.

12 (b) No screening may be performed under sub. (4) unless the parents or legal
13 guardian are fully informed of the purposes of a screen for hearing loss and have been
14 given reasonable opportunity to object under par. (a) to the screen.

15 (7) SCREENING RESULTS. (a) The physician, nurse-midwife licensed under s.
16 441.15, or certified professional midwife licensed under s. 440.982 who is required
17 to ensure that the infant is screened for hearing loss under sub. (4) shall do all of the
18 following:

- 19 1. Ensure the parents or legal guardian are advised of all of the following:
- 20 2. If the infant has hearing loss, ensure the parents or legal guardian are
- 21 provided information on available resources to treat the hearing loss and provide
- 22 support to the infant's family.

 ****NOTE: I thought "resources" needed more description. Is the language I added
okay?

1 3. Send to the state laboratory of hygiene board[✓] screening results, the infant's
2 risk factors to contract a hearing loss, results from a confirmation of the presence of
3 a hearing loss in the infant, and referrals for treatment of the infant's hearing loss.[✓]

 ****NOTE: I thought "risk factors" and "referrals" needed more description. Is the
 language I added okay?[✓]

4 (b) The state laboratory of hygiene board shall send the information provided
5 under par. (a) 3.[✓] to the department.[✓]

6 (8) CONFIDENTIALITY. Except as provided under par.^s (a) 3.[✓] and (b),[✓] no
7 information obtained under this section[✓] from the parents or legal guardian may be
8 disclosed except for use in statistical data compiled by the department without
9 reference to the identity of any individual and except as provided in s. 146.82 (2).[✓]

10

(END)

→ D-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0248/lin

TJD:f:...

nwn

Date

To Ilsa Peterson:

Please review this preliminary substitute amendment and the notes embedded in the amendment. I moved the proposed newborn hearing screening requirement to s. 253.115 as requested, and therefore s. 253.13 regarding tests for congenital disorders may be left as it is in current law without amendment.

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov

Dodge, Tamara

From: Peterson, Ilsa
Sent: Friday, January 22, 2010 12:17 PM
To: Dodge, Tamara
Cc: Kelly, Jessica
Subject: RE: AB 488 or LRB 3441/1

Tamara-

That would be just fine with us if you wanted to draft the same amendment for a Senate Companion and for you to share the preliminary with the Lassa office.

Thank you very much!
Ilsa

From: Dodge, Tamara
Sent: Friday, January 22, 2010 12:00 PM
To: Peterson, Ilsa
Subject: RE: AB 488 or LRB 3441/1

Ilsa,

Do you mind if the substitute amendment I am working on for you is also used for the senate companion? Also, since I am drafting this substitute amendment in preliminary form, may I have your permission to send your preliminary substitute amendment to Senator Lassa's office?

I am working on your amendment and hope to get it to you early next week.
Tami

Tamara J. Dodge

Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0248/P1dn
TJD:nwn:md

February 8, 2010

To Ilsa Peterson:

Please review this preliminary substitute amendment and the notes embedded in the amendment. I moved the proposed newborn hearing screening requirement to s. 253.115 as requested, and therefore s. 253.13 regarding tests for congenital disorders may be left as it is in current law without amendment.

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0248/P1
TJD:nwn:md

In 3/1/2010 Today

Rmr

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2009 ASSEMBLY BILL 488

1 AN ACT *to amend* 253.115 (title); and *to create* 253.115 (1) (title), 253.115 (2)
2 (title), 253.115 (3) (title) and 253.115 (4), (5), (6), (7) and (8) of the statutes;
3 relating to: requiring newborn hearing screening.

and making an appropriation

Ins 1-4A
Ins 1-4B

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 SECTION 1. 253.115 (title) of the statutes is amended to read:
- 5 **253.115 (title) Newborn hearing screening programs.**
- 6 SECTION 2. 253.115 (1) (title) of the statutes is created to read:
- 7 253.115 (1) (title) DEFINITIONS.
- 8 SECTION 3. 253.115 (2) (title) of the statutes is created to read:
- 9 253.115 (2) (title) SCREENING PROGRAM REPORT.
- 10 SECTION 4. 253.115 (3) (title) of the statutes is created to read:
- 11 253.115 (3) (title) HOSPITAL SCREENING PROGRAM.

1 SECTION 5. 253.115 (4), (5), (6), (7) and (8) of the statutes are created to read:

2 253.115 (4) SCREENING REQUIRED. Except as provided in sub. (6), the physician,
3 nurse-midwife licensed under s. 441.15, or certified professional midwife licensed
4 under s. 440.982 who attended the birth shall ensure that the infant is screened for
5 hearing loss before being discharged from a hospital, or within 30 days of birth if the
6 infant was not born in a hospital.

7 (5) DIAGNOSTIC AND FOLLOW-UP SERVICES. The department shall provide
8 necessary services for confirmation of the presence of hearing loss and referral to
9 intervention programs.

****NOTE: This subsection is created based on a small portion of s. 253.13 (2).
Instead of defining the terms separately, I incorporated them into this subsection.

10 (6) EXCEPTIONS. (a) Subsection (4) does not apply if the parents or legal
11 guardian of the child object to a screen for hearing loss on the grounds that the test
12 conflicts with their religious tenets and practices.

13 (b) No screening may be performed under sub. (4) unless the parents or legal
14 guardian are fully informed of the purposes of a screen for hearing loss and have been
15 given reasonable opportunity to object under par. (a) to the screen.

16 (7) SCREENING RESULTS. (a) The physician, nurse-midwife licensed under s.
17 441.15, or certified professional midwife licensed under s. 440.982 who is required
18 to ensure that the infant is screened for hearing loss under sub. (4) shall do all of the
19 following:

an abnormal hearing screening result

20 1. Ensure the parents or legal guardian are advised of the screening results.

21 2. If the infant has hearing loss, ensure the parents or legal guardian are
22 provided information on available resources to treat the hearing loss and to provide

23 support to the infant's family.

for diagnosis and treatment of

****NOTE: I thought "resources" needed more description. Is the language I added okay?

and

- 1 3. Send to the state laboratory of hygiene board screening results ^{and} the infant's
- 2 risk factors to contract a hearing loss, results from a confirmation of the presence of
- 3 a hearing loss in the infant, and referrals for treatment of the infant's hearing loss.

****NOTE: I thought "risk factors" and "referrals" needed more description. Is the language I added okay?

4 (b) The state laboratory of hygiene board shall send the information provided
5 under par. (a) 3. to the department.

6 (8) CONFIDENTIALITY. Except as provided under pars. (a) 3. and (b), no
7 information obtained under this section from the parents or legal guardian may be
8 disclosed except for use in statistical data compiled by the department without
9 reference to the identity of any individual and except as provided in s. 146.82 (2).

Ins
3-10

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0248/lins

TJD:.....

1 INSERT 1-4

2 SECTION 1. 20.435 (1) (ja) of the statutes, as affected by 2009 Wisconsin Act 28,
3 is amended to read:

4 20.435 (1) (ja) *Congenital disorders; diagnosis, special dietary treatment and*
5 *counseling.* The amounts in the schedule to provide diagnostic services, special
6 dietary treatment, and follow-up counseling for congenital disorders and hearing
7 screening and periodic evaluation of infant screening programs as specified under
8 s. ss. 253.115 and 253.13. All moneys received by the department under s. 253.13 (2),
9 less the amounts appropriated under par. (jb), shall be credited to this appropriation
10 account.

*Ins
1-4B*

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76.

11 SECTION 2. 20.435 (1) (jb) of the statutes is amended to read:

12 20.435 (1) (jb) *Congenital disorders; operations.* From all moneys received
13 under s. 253.13 (2), the amounts in the schedule to be used to administer the program
14 programs under ~~s.~~ ss. 253.115 and 253.13 and for the costs of consulting with
15 appropriate experts as specified in s. 253.13 (5).

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76.

16
17 INSERT 3-10

^, as affected by 2009 Wisconsin Act 28, ^

1 SECTION 3. 253.13 (2) of the statutes is amended to read:

2 253.13 (2) TESTS; DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM;

3 FEES. The department shall contract with the state laboratory of hygiene to perform
4 the tests specified under this section and to furnish materials for use in the tests.

5 The department shall provide necessary diagnostic services, special dietary
6 treatment as prescribed by a physician for a patient with a congenital disorder as
7 identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and

8 his or her family. The state laboratory of hygiene board, on behalf of the department,
9 shall impose a fee for tests performed under this section sufficient to pay for services
10 provided under the contract. The state laboratory of hygiene board shall include as

11 part of this fee amounts the department determines are sufficient to fund the
12 provision of diagnostic and counseling services, special dietary treatment, and
13 periodic evaluation of infant screening programs, the costs of consulting with experts

14 under sub. (5), the costs of administering the hearing screening program under s.
15 253.115, and the costs of administering the congenital disorder program under this
16 section and shall credit these amounts to the appropriation accounts under s. 20.435

17 (1) (ja) and (jb).

18 **History:** 1977 c. 160; 1983 a. 157; 1985 a. 255; 1987 a. 27; 1989 a. 31; 1991 a. 39, 177; 1993 a. 27 s. 316; Stats. 1993 s. 253.13; 1995 a. 27 s. 9126 (19); 2001 a. 16, 52; 2007 a. 20 s. 9121 (6) (a); 2009 a. 28.

(END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0248/linsno
TJD:nwn:md

Ins 1-4A

1 SECTION 1. 20.435 (1) (ja) of the statutes, as affected by 2009 Wisconsin Act 28,
2 is amended to read:

3 20.435 (1) (ja) *Congenital disorders; diagnosis, special dietary treatment and*
4 *counseling.* The amounts in the schedule to provide diagnostic services, special
5 dietary treatment, and follow-up counseling for congenital disorders and periodic
6 evaluation of infant screening programs as specified under s. 253.13 and to provide
7 diagnostic services and referrals under s. 253.115. All moneys received by the
8 department under s. 253.13 (2), less the amounts appropriated under par. (jb), shall
9 be credited to this appropriation account.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; 2009 a. 2, 15; 2009 a. 28 ss. 325 to 470, 485, 488, 490; 2009 a. 76.

Dodge, Tamara

From: Peterson, Ilsa
Sent: Thursday, March 04, 2010 1:05 PM
To: Dodge, Tamara
Cc: Kelly, Jessica
Subject: AB 488

Hello-

I really think that this is it. I'm sending the stripes for LRBs0248/1 back to you for the change below:

Pg2 ln 22-24

Remove
ln 23 "necessary services for confirmation of the presence of hearing loss and"

change to
(5)REFERAL TO FOLLOW-UP SERVICES. The department shall provide referral to intervention programs.

Because Senator Lassa has introduced the sub they are going to need an amendment that follows the same language. The assembly EXEC is still Tuesday so if we could get this amendment by tomorrow that would be great. If that's not possible please let me know.

Thank you for your time and patients!
Ilsa

Ilsa Peterson
Office of Representative Kristen Dexter
68th Assembly District
Phone: (608) 266-9172
Toll Free: (888) 534-0068



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0248/2
TJD:nwn:rs

In: 3/4/10 Due tomorrow
Fri 3/5/10

Rmr

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2009 ASSEMBLY BILL 488

SAV

Regen.

1 AN ACT to amend 20.435 (1) (ja), 20.435 (1) (jb), 253.115 (title) and 253.13 (2);
2 and to create 253.115 (1) (title), 253.115 (2) (title), 253.115 (3) (title) and
3 253.115 (4), (5), (6), (7) and (8) of the statutes; relating to: requiring newborn
4 hearing screening and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 SECTION 1. 20.435 (1) (ja) of the statutes, as affected by 2009 Wisconsin Act 28,
6 is amended to read:

7 20.435 (1) (ja) *Congenital disorders; diagnosis, special dietary treatment and*
8 *counseling.* The amounts in the schedule to provide diagnostic services, special
9 dietary treatment, and follow-up counseling for congenital disorders and periodic
10 evaluation of infant screening programs as specified under s. 253.13 and to provide
11 diagnostic services and referrals under s. 253.115. All moneys received by the

1 department under s. 253.13 (2), less the amounts appropriated under par. (jb), shall
2 be credited to this appropriation account.

3 **SECTION 2.** 20.435 (1) (jb) of the statutes is amended to read:

4 20.435 (1) (jb) *Congenital disorders; operations.* From all moneys received
5 under s. 253.13 (2), the amounts in the schedule to be used to administer the ~~program~~
6 programs under s. ~~ss. 253.115 and~~ 253.13 and for the costs of consulting with
7 appropriate experts as specified in s. 253.13 (5).

8 **SECTION 3.** 253.115 (title) of the statutes is amended to read:

9 **253.115 (title) Newborn hearing screening programs.**

10 **SECTION 4.** 253.115 (1) (title) of the statutes is created to read:

11 253.115 (1) (title) DEFINITIONS.

12 **SECTION 5.** 253.115 (2) (title) of the statutes is created to read:

13 253.115 (2) (title) SCREENING PROGRAM REPORT.

14 **SECTION 6.** 253.115 (3) (title) of the statutes is created to read:

15 253.115 (3) (title) HOSPITAL SCREENING PROGRAM.

16 **SECTION 7.** 253.115 (4), (5), (6), (7) and (8) of the statutes are created to read:

17 253.115 (4) SCREENING REQUIRED. Except as provided in sub. (6), the physician,
18 nurse-midwife licensed under s. 441.15, or certified professional midwife licensed
19 under s. 440.982 who attended the birth shall ensure that the infant is screened for
20 hearing loss before being discharged from a hospital, or within 30 days of birth if the
21 infant was not born in a hospital.

22 (5) DIAGNOSTIC AND ^{REFERRAL TO} FOLLOW-UP SERVICES. The department shall provide

23 necessary services for confirmation of the presence of hearing loss and referral to

24 intervention programs. ^{for hearing loss}

1 **(6) EXCEPTIONS.** (a) Subsection (4) does not apply if the parents or legal
2 guardian of the child object to a screen for hearing loss on the grounds that the test
3 conflicts with their religious tenets and practices.

4 (b) No screening may be performed under sub. (4) unless the parents or legal
5 guardian are fully informed of the purposes of a screen for hearing loss and have been
6 given reasonable opportunity to object under par. (a) to the screen.

7 **(7) SCREENING RESULTS.** (a) The physician, nurse-midwife licensed under s.
8 441.15, or certified professional midwife licensed under s. 440.982 who is required
9 to ensure that the infant is screened for hearing loss under sub. (4) shall do all of the
10 following:

11 1. Ensure the parents or legal guardian are advised of the screening results.

12 2. If the infant has an abnormal hearing screening result, ensure the parents
13 or legal guardian are provided information on available resources for diagnosis and
14 treatment of hearing loss.

15 3. Send to the state laboratory of hygiene board screening results and the
16 infant's risk factors to contract a hearing loss.

17 (b) The state laboratory of hygiene board shall send the information provided
18 under par. (a) 3. to the department.

19 **(8) CONFIDENTIALITY.** Except as provided under pars. (a) 3. and (b), no
20 information obtained under this section from the parents or legal guardian may be
21 disclosed except for use in statistical data compiled by the department without
22 reference to the identity of any individual and except as provided in s. 146.82 (2).

23 **SECTION 8.** 253.13 (2) of the statutes, as affected by 2009 Wisconsin Act 28, is
24 amended to read:

