



**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2009 SENATE BILL 323**

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            referrals under s. 253.115. All moneys received by the department under s. 253.13

1 (2), less the amounts appropriated under par. (jb), shall be credited to this  
2 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) REFERRAL TO FOLLOW–UP SERVICES. The department shall provide referrals  
23 to 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:

1           253.13 **(2)** TESTS; DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM;  
2 FEES. The department shall contract with the state laboratory of hygiene to perform  
3 the tests specified under this section and to furnish materials for use in the tests.  
4 The department shall provide necessary diagnostic services, special dietary  
5 treatment as prescribed by a physician for a patient with a congenital disorder as  
6 identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and  
7 his or her family. The state laboratory of hygiene board, on behalf of the department,  
8 shall impose a fee for tests performed under this section sufficient to pay for services  
9 provided under the contract. The state laboratory of hygiene board shall include as  
10 part of this fee amounts the department determines are sufficient to fund the  
11 provision of diagnostic and counseling services, special dietary treatment, and  
12 periodic evaluation of infant screening programs, the costs of consulting with experts  
13 under sub. (5), the costs of administering the hearing screening program under s.  
14 253.115, and the costs of administering the congenital disorder program under this  
15 section and shall credit these amounts to the appropriation accounts under s. 20.435  
16 (1) (ja) and (jb).

17   **(END)**