



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBs0255/1  
TJD:nwn:rs

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

March 2, 2010 – Offered by Senator LASSA.

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 FOLLOW-UP SERVICES.** The department shall provide  
23 necessary services for confirmation of the presence of hearing loss and referral to  
24 intervention programs.

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:

