

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of Health and Mental Hygiene  
(DLS Control No. 14-273)**

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## **Overview and Legal and Fiscal Impact**

The regulations alter the Program for Hearing-Impaired Infants to reflect current practice and terminology.

The regulations present no legal issues of concern.

The regulations have no fiscal impact on State or local agencies.

## **Regulations of COMAR Affected**

### **Department of Health and Mental Hygiene:**

Maternal and Child Health: [Program for Hearing-Impaired Infants] Early Hearing Detection and Intervention Program: COMAR 10.11.02.01-.09

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## **Legal Analysis**

### **Background**

Chapter 30 of 2014 updated terminology and practices relating to hearing impairment and loss regarding newborns and infants. The legislation renamed the Program for Hearing-Impaired Infants as the Early Hearing Detection and Intervention Program and renamed the Advisory Council for the Program as the Early Hearing Detection and Intervention Advisory Council. Additionally, the legislation repealed the statutory list of risk factors for hearing impairment and instead allowed such indicators to be determined in regulations and authorized the Department of Health and Mental Hygiene to adopt regulations for newborn hearing screening results reporting procedures for hospitals, birthing sites, and audiologists.

### **Summary of Regulations**

The regulations implement Chapter 30 of 2014 by altering the Program for Hearing-Impaired Infants to reflect current practice and terminology. The purpose of the program is:

- to provide for the universal hearing screening of newborns and early identification and follow-up of newborns and infants who have, or are at risk of developing, a permanent hearing status that affects speech-language skills; and

- to identify newborns and infants who have a permanent hearing status that affects speech-language skills as early as possible.

The regulations identify high risk factors that should be considered in determining the possibility of a newborn or infant in developing a permanent hearing status and require the department to establish and maintain a model system to provide for the implementation of an early identification program and follow-up of newborns and infants who have or are at risk for developing a permanent hearing status that affect speech-language skills that includes specified components. The regulations also establish procedures for birthing hospitals, alternative birthing sites, audiologists, and licensed professionals conducting audiological screening or evaluations that include a requirement for reporting results of hearing screening and diagnostic evaluations to the program. Further, the regulations clarify the duties of the Early Hearing Detection and Intervention Advisory Council and the department.

### **Legal Issue**

The regulations present no legal issues of concern.

### **Statutory Authority and Legislative Intent**

The department cites §§ 13-601 through 13-605 of the Health – General Article as authority for the regulations. Specifically, the regulations are authorized by §§ 13-602 and 13-605. Section 13-602 requires the Secretary of Health and Mental Hygiene to establish a program for the universal hearing screening of newborns and early identification and follow-up of newborns and infants who have or who are at risk for developing a permanent hearing status that affects speech-language skills based on the model system developed by the department. Section 13-605 authorizes the department to adopt regulations for newborn hearing screening results reporting procedures for hospitals, birthing sites, and audiologists.

The authority is correct and complete. The regulations comply with the legislative intent of the law.

### **Fiscal Analysis**

The regulations have no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulations have no fiscal impact on State or local governments. The Department of Legislative Services concurs and notes that the regulations merely implement Chapter 30 of 2014, which had no fiscal impact.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

## **Agency Estimate of Projected Small Business Impact**

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

### **Contact Information**

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