

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3951

By: Blancett

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5
6 AS INTRODUCED

7 An Act relating to schools; requiring hearing
8 screening for certain students within certain
9 timeframe; specifying screening be conducted by
10 certain personnel; providing for notification of
11 certain information; directing advisory committee to
12 make certain suggestions; providing composition;
13 directing State Board of Health to adopt certain
14 rules; requiring State Department of Health to
15 maintain a statewide registry; recommending certain
16 students receive certain hearing examination;
17 requiring certain person to forward written report to
18 certain parties; specifying contents of report;
19 allowing school attendance in event of failure of
20 certain parties to furnish certain report; providing
21 for school districts to notify certain parents of
22 certain requirements; directing the State Board of
23 Education to adopt certain rules; directing the State
24 Department of Education to issue certain annual
-- report; providing for codification; and providing an
effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1210.286 of Title 70, unless
23 there is created a duplication in numbering, reads as follows:

24 As used in this act:
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1 1. "Audiologist" means a person licensed by the state of
2 Oklahoma to practice medicine who has a specialty in hearing;

3 2. "Board" means the State Board of Health;

4 3. "Commissioner" means the State Commissioner of Health of the
5 Oklahoma State Department of Health;

6 4. "Comprehensive Hearing Exam" means a clinical assessment and
7 tests administered by a licensed, certified audiologist to assess a
8 person's level of hearing as well as detect any abnormality or
9 diseases;

10 5. "Department" means the Oklahoma State Department of Health;

11 6. "Draining Ear" means an ear is not able to be screened due
12 to a pustulent drainage from the ear canal;

13 7. "Equipment" means the necessary items needed to carry out a
14 hearing screening pursuant to this legislation and consists of a
15 tablet computer with audio port; a clinically validated auditory
16 assessment tablet-based software that uses both high frequency tones
17 and speech-in-noise screening; high resolution headphones that
18 provide ambient noise attenuation;

19 8. "Hearing screening" means the process or system used to
20 identify children in grades K, 1, 2, 3, 7 and 11th grade who may be
21 at risk of having or developing hearing problems that may adversely
22 affect their ability to acquire knowledge, skill or learning, for
23 the purpose of recommending further evaluation by an audiologist;

1 9. "A hearing screening app" means one that determines relative
2 auditory pathway integrity for speech understanding using speech in
3 quiet, speech in noise, and tones in noise methods, in addition to
4 pure tones;

5 10. "Hearing screening provider(s)" means a person(s) who has
6 successfully completed hearing screening training using curricula
7 approved by the Department, submitted an application to the
8 Department, and has been approved by the Department as being a
9 hearing screening provider;

10 11. "Hearing Screening Registry" is a system for collecting and
11 maintaining in a structured manner the names of individuals that
12 have been approved by the Department as hearing screening providers;

13 12. "Hearing screening trainer(s)" is a person(s) who has been
14 approved as a hearing screening provider and completed additional
15 training approved by the Department to provide training to potential
16 hearing screening providers;

17 13. "Infant and Children's Health Advisory Council" means the
18 advisory council to the Board and Department in the area of infant
19 and child health including vision and audiology screening;

20 14. "Middle Ear Pathology: refers to the presence of either
21 outer ear obstructions by a foreign object and/or middle ear
22 pressure and/or fluid;

1 15. "Noise Induced Hearing Loss" referred to as NIHL is the
2 loss of hearing sensitivity due to excessive exposure at damaging
3 levels of noise;

4 16. "Pure Tone" means a hearing screening that determines
5 relative hearing sensitivity for pure tone frequencies. Pure tone
6 audiometry is recommended for school age children;

7 17. "Referral" means parent or guardian notification that the
8 student's screening results indicate a need for a comprehensive
9 hearing exam by an audiologist; and

10 18. "Auditory Administrator" means a state licensed and
11 certified audiologist with familiarity of pediatrics and/or
12 educational audiology matters who will manage all aspects of the
13 hearing screening programs regionally, along with the Department of
14 Health.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1210.287 of Title 70, unless
17 there is created a duplication in numbering, reads as follows:

18 A. 1. The parent or guardian of each student enrolled in
19 kindergarten at a public school or public charter school in this
20 state shall provide certification to school personnel that the
21 student passed a hearing screening within the previous six (6)
22 months or during the school year. Such screening shall be conducted
23 by personnel listed on the statewide registry as maintained by the
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1 State Department of Health, which may include, but not be limited
2 to, Oklahoma-licensed audiologists.

3 2. The parent or guardian of each student enrolled in first,
4 second, third, seventh, and eleventh grade at a public school or
5 public charter school in this state shall provide, within thirty
6 (30) days of the beginning of the school year, certification to
7 school personnel that the student passed a hearing screening within
8 the previous six (6) months. Such screening shall be conducted by
9 personnel listed on the statewide registry as maintained by the
10 State Department of Health; provided, Oklahoma licensed audiologists
11 shall be exempt from such standards.

12 3. The parent or guardian of each student who receives a
13 hearing screening as required by this section shall receive
14 notification that a hearing screening is not the equivalent of a
15 comprehensive hearing exam.

16 B. Hearing screening must, at a minimum, utilize both of the
17 following hearing screening and/or tests using standard
18 screening/testing procedures for relative hearing integrity:

19 1. For school aged children, Speech-In-Noise Testing and high
20 definition pure tone audiometry on a clinically-validated auditory
21 assessment tablet-based software that uses both high frequency pure
22 tones and Speech-In-Noise screening or any new hearing screening
23 tool determined by the Department to be a comparable screening tool
24 that utilizes both methods;

1 2. Otoacoustic Emission screening can suffice for difficult-to-
2 test patients; or

3 3. A child who is unable to be screened within the school
4 using methods mentioned should be referred to an audiologist.

5 C. The following hearing acuity criteria shall be used as a
6 basis for referring a child for further evaluation by an
7 audiologist: refer for scoring 76.4 or less on a clinically-
8 validated tablet-based auditory assessment software using both high
9 frequency pure tone and speech-in-noise testing for two screenings
10 (within 24 hours apart) and/or referring the pure tone frequencies,
11 and/or a draining ear, and/or a refer on an OA.

12 D. 1. The Infant and Children's Health Advisory Council
13 created in Section 1-103a.1 of Title 63 of the Oklahoma Statutes
14 shall make recommendations to the State Board of Health on:

- 15 a. qualifications for initial recognition and renewal of
16 recognition of hearing screeners,
- 17 b. qualifications for initial recognition and renewal of
18 recognition of hearing screener trainers,
- 19 c. qualifications for initial recognition and renewal of
20 recognition of trainers of hearing screener trainers;
21 provided, Oklahoma licensed audiologists shall be
22 exempt from any training requirements,

1 d. qualifications for initial recognition and renewal of
2 recognition of administrators of regionally based
3 audiologists, and

4 e. grounds for denial, refusal, suspension, or revocation
5 of recognition of hearing screeners, hearing screener
6 trainers, and trainers of hearing screener trainers.

7 2. The Department shall:

8 a. establish and thereafter maintain a statewide
9 registry, available via the Internet, which shall
10 contain a list of approved hearing screeners,

11 b. maintain a list of approved hearing screener trainers
12 and trainers of hearing screener trainers,

13 c. maintain a list of approved auditory administrators,
14 and

15 3. After notice and hearing, the Department may deny, refuse,
16 suspend, or revoke approval to an applicant who has a history of:

17 a. noncompliance or incomplete or partial compliance with
18 the provisions of this section or the rules adopted by
19 the Board to implement the provisions of this section,

20 b. referring persons to a business in which the applicant
21 has a financial interest or a business which is owned
22 or operated by someone within the third degree of
23 consanguinity or affinity of the applicant, or
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1 c. conduct which demonstrates that the applicant is
2 providing services in a manner which does not warrant
3 public trust.

4 4. The Board, giving consideration to the recommendations of
5 the Council, shall promulgate rules to implement the provisions of
6 this section.

7 E. 1. The parent or guardian of each student who fails the
8 hearing screening required in subsection A of this section shall
9 receive a recommendation to undergo a comprehensive hearing
10 examination performed by an Oklahoma-licensed audiologist.

11 2. The Oklahoma licensed audiologist shall forward a written
12 report of the results of the comprehensive hearing examination to
13 the auditory administrator regionally designated, the student's
14 school, parent or guardian, and primary health care provider
15 designated by the parent or guardian. The report shall include, but
16 not be limited to:

- 17 a. date of report,
- 18 b. name, address, and date of birth of the student,
- 19 c. name of the student's school,
- 20 d. type of examination,
- 21 e. a summary of significant findings, including
22 diagnoses, medication used, duration of action of
23 medication, treatment, prognosis, whether or not a
24 return visit is recommended and, if so, when,

1 f. recommended educational adjustments for the child, if
2 any, which may include: preferential seating in the
3 classroom, the use of hearing aids, specific
4 interventions, FM systems, and any other
5 recommendations, and

6 g. name, address, credentials, and signature of the
7 examiner.

8 F. No student shall be prohibited from attending school for a
9 parent's or guardian's failure to furnish a report of the student's
10 hearing screening or an examiner's failure to furnish the results of
11 a student's comprehensive hearing examination required by this
12 section.

13 G. School districts shall notify parents or guardians of
14 students who enroll in kindergarten, first, second, third, seventh,
15 and eleventh grade for the 2025-2026 school year and each year
16 thereafter of the requirements of this section.

17 H. The State Board of Education shall adopt rules for the
18 implementation of this section except as provided in subsection B of
19 this section. The State Department of Education shall issue a
20 report annually on the impact and effectiveness of this section.

21 SECTION 3. This act shall become effective November 1, 2024.

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