

CHAPTER 76

Senate Bill 113

AN ACT

RELATING TO PUBLIC HEALTH AND SAFETY; PROVIDING A PROGRAM OF CHILD HEARING EVALUATION SERVICES FOR SCHOOL AGE CHILDREN, AND AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 7.2, ARTICLE 1.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 36, Arizona Revised Statutes, is amended by adding chapter 7.2, article 1, to read:

CHAPTER 7.2

CHILD HEARING EVALUATION SERVICES

ARTICLE 1. GENERAL PROVISIONS

36-899. DEFINITIONS

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "COMMISSIONER" MEANS THE COMMISSIONER OF PUBLIC HEALTH.
2. "DEPARTMENT" MEANS THE STATE DEPARTMENT OF HEALTH.
3. "HEARING EVALUATION SERVICES" MEANS SERVICES WHICH INCLUDE THE IDENTIFICATION, TESTING, EVALUATION AND INITIATION OF FOLLOW-UP SERVICES AS DEFINED IN THE RULES AND REGULATIONS OF THE DEPARTMENT, AS PROVIDED BY SECTION 36-899.03.
4. "HEARING SCREENING EVALUATION" MEANS THE EVALUATION OF THE ABILITY TO HEAR CERTAIN FREQUENCIES AT A CONSISTENT LOUDNESS.
5. "PRIVATE EDUCATION PROGRAM" MEANS ALL PROGRAMS OF PRIVATE EDUCATION OFFERING COURSES

OF STUDY FOR GRADES, KINDERGARTEN THROUGH THE TWELFTH GRADE OF HIGH SCHOOL.

6. "PUBLIC EDUCATION PROGRAM" MEANS ALL KINDERGARTEN, PRIMARY AND SECONDARY PROGRAMS OF EDUCATION WITHIN THE PUBLIC SCHOOL SYSTEM, INCLUDING BUT NOT BEYOND THE TWELFTH GRADE OF COMMON OR HIGH SCHOOL.

36-899.01. PROGRAM FOR ALL SCHOOL CHILDREN; ADMINISTRATION

A. A PROGRAM OF HEARING EVALUATION SERVICES IS ESTABLISHED BY THE DEPARTMENT. SUCH SERVICES SHALL BE ADMINISTERED TO ALL CHILDREN AS EARLY AS POSSIBLE, BUT IN NO EVENT LATER THAN THE FIRST YEAR OF ATTENDANCE IN ANY PUBLIC OR PRIVATE EDUCATION PROGRAM, OR RESIDENTIAL FACILITY FOR HANDICAPPED CHILDREN, AND THEREAFTER AS CIRCUMSTANCES PERMIT UNTIL THE CHILD HAS ATTAINED THE AGE OF SIXTEEN YEARS OR IS NO LONGER ENROLLED IN A PUBLIC OR PRIVATE EDUCATION PROGRAM.

B. THE PROGRAM OF HEARING EVALUATION SERVICES FOR CHILDREN IN A PUBLIC EDUCATION PROGRAM SHALL BE ADMINISTERED BY THE DEPARTMENT WITH THE AID OF THE DEPARTMENT OF EDUCATION.

36-899.02. POWERS OF THE DEPARTMENT; LIMITATIONS

A. THE DEPARTMENT MAY, IN ADMINISTERING THE PROGRAM OF HEARING EVALUATION SERVICES:

1. PROVIDE CONSULTING SERVICES, ESTABLISH OR SUPPLEMENT HEARING EVALUATION SERVICES IN LOCAL HEALTH DEPARTMENTS, PUBLIC OR PRIVATE EDUCATION PROGRAMS OR OTHER COMMUNITY AGENCIES.

2. PROVIDE FOR THE TRAINING OF PERSONNEL TO ADMINISTER HEARING SCREENING EVALUATIONS.

3. DELEGATE POWERS AND DUTIES TO OTHER STATE AGENCIES, COUNTY AND LOCAL HEALTH DEPARTMENTS, COUNTY AND LOCAL BOARDS OF EDUCATION OR BOARDS OF TRUSTEES OF PRIVATE EDUCATION PROGRAMS OR OTHER COMMUNITY AGENCIES TO DEVELOP AND MAINTAIN PERIODIC HEARING EVALUATION SERVICES.

4. PROVIDE SERVICES BY CONTRACTUAL ARRANGEMENT FOR THE DEVELOPMENT AND MAINTENANCE OF PERIODIC HEARING EVALUATION SERVICES.

5. ACCEPT REPORTS OF HEARING EVALUATION FROM QUALIFIED MEDICAL OR OTHER PROFESSIONAL SPECIALISTS EMPLOYED BY PARENTS OR GUARDIANS FOR HEARING EVALUATION WHEN SUCH REPORTS ARE SUBMITTED TO THE DEPARTMENT.

B. THE DEPARTMENT SHALL NOT REPLACE ANY QUALIFIED EXISTING SERVICE.

36-899.03. RULES AND REGULATIONS

THE STATE BOARD OF HEALTH SHALL DEVELOP RULES AND REGULATIONS GOVERNING STANDARDS, PROCEDURES, TECHNIQUES AND CRITERIA FOR CONDUCTING AND ADMINISTERING HEARING EVALUATION SERVICES.

36-899.04. PARENT, GUARDIAN MAY REFUSE TEST

NO CHILD SHALL BE REQUIRED TO SUBMIT TO ANY TEST REQUIRED BY THIS CHAPTER IF A PARENT OR GUARDIAN OF THE CHILD OBJECTS AND SUBMITS A STATEMENT OF SUCH OBJECTION TO THE AGENCY ADMINISTERING SUCH HEARING EVALUATION SERVICES.

Sec. 2. APPROPRIATION; PURPOSE

The sum of forty thousand dollars is appropriated to the state department of health for the purposes provided in this act.

Approved by the Governor—April 16, 1971

Filed in the Office of the Secretary of State—April 19, 1971
