

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 225
Final Reading

Introduced by Smith, 14; Pirsch, 4.

Read first time January 15, 2013

Committee: Health and Human Services

A BILL

- 1 FOR AN ACT relating to public health and welfare; to adopt the
- 2 Newborn Critical Congenital Heart Disease Screening Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 5 of this act shall be known and
2 may be cited as the Newborn Critical Congenital Heart Disease
3 Screening Act.

4 Sec. 2. The Legislature finds that:

5 (1) Critical congenital heart disease is among the most
6 common birth defects;

7 (2) Critical congenital heart disease is the leading
8 cause of death for infants born with a birth defect;

9 (3) A major cause of infant mortality as a result of
10 critical congenital heart disease is that a significant number of
11 newborns affected are not diagnosed in the newborn nursery as having
12 critical congenital heart disease; and

13 (4) An effective mechanism for critical congenital heart
14 disease screening of newborns can reduce infant mortality.

15 Sec. 3. For purposes of the Newborn Critical Congenital
16 Heart Disease Screening Act:

17 (1) Birthing facility means a hospital or other health
18 care facility in this state which provides birthing and newborn care
19 services;

20 (2) Critical congenital heart disease screening means a
21 testing procedure or procedures intended to detect hypoplastic left
22 heart syndrome, pulmonary atresia, tetralogy of Fallot, total
23 anomalous pulmonary venous return, transposition of the great
24 arteries, tricuspid atresia, and truncus arteriosus;

25 (3) Department means the Department of Health and Human

1 Services;

2 (4) Newborn means a child from birth through twenty-nine
3 days old; and

4 (5) Parent means a natural parent, a stepparent, an
5 adoptive parent, a legal guardian, or any other legal custodian of a
6 child.

7 Sec. 4. (1) All newborns in this state shall undergo
8 critical congenital heart disease screening in accordance with
9 standards determined in rules and regulations adopted and promulgated
10 by the department.

11 (2) For deliveries in a birthing facility, the birthing
12 facility shall develop and implement policies to cause the screening
13 of the newborn and the reporting of the results to the newborn's
14 health care provider in accordance with standards adopted pursuant to
15 subsection (1) of this section.

16 (3) For deliveries that are planned outside of a birthing
17 facility, the prenatal care provider shall inform the parent of the
18 importance of critical congenital heart disease screening and the
19 requirement for all newborns to be screened. The parent shall be
20 responsible for causing the screening to be performed within the
21 period and in the manner prescribed by the department.

22 (4) For a birth that does not take place in a birthing
23 facility, whether or not there is a prenatal care provider, and the
24 newborn is not admitted to a birthing facility, the person
25 registering such birth shall be responsible for obtaining critical

1 congenital heart disease screening for the newborn within the period
2 and in the manner prescribed by the department.

3 Sec. 5. The department shall:

4 (1) In consultation with a panel of persons having
5 expertise in the field of critical congenital heart disease
6 screening, develop approved methods of critical congenital heart
7 disease screening;

8 (2) Develop educational materials explaining critical
9 congenital heart disease screening and the requirement for all
10 newborns to be screened. The materials shall be provided to birthing
11 facilities and health care providers and to parents of newborns not
12 born in a birthing facility;

13 (3) Apply for all available federal funding to carry out
14 the Newborn Critical Congenital Heart Disease Screening Act; and

15 (4) Adopt and promulgate rules and regulations necessary
16 to implement the act.