

LEGISLATIVE BILL 225

Approved by the Governor June 3, 2013

Introduced by Smith, 14; Pirsch, 4.

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

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

Sec. 2. The Legislature finds that:

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

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

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

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

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

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

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

(3) Department means the Department of Health and Human Services;

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

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

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

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

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

(4) For a birth that does not take place in a birthing facility, whether or not there is a prenatal care provider, and the newborn is not admitted to a birthing facility, the person registering such birth shall be responsible for obtaining critical congenital heart disease screening for the newborn within the period and in the manner prescribed by the department.

Sec. 5. The department shall:

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

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

(3) Adopt and promulgate rules and regulations necessary to implement the act.