

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 1420** Session of
2013

INTRODUCED BY BOBACK, WHITE, BAKER, CALTAGIRONE, YOUNGBLOOD,
COX, DONATUCCI, FLYNN, MUNDY, ROZZI, KAVULICH, RAPP, O'BRIEN,
BROWNLEE, SCHLOSSBERG, GINGRICH, HARKINS, HARHAI, COHEN,
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NEILSON, HAGGERTY, CHRISTIANA, MAHONEY, MACKENZIE, HEFFLEY,
DAVIDSON, HARPER, DAVIS, DeLUCA AND CRUZ, MAY 23, 2013

SENATOR VANCE, PUBLIC HEALTH AND WELFARE, IN SENATE, AS AMENDED,
MAY 7, 2014

AN ACT

1 Providing for newborn child pulse oximetry screening.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Newborn Child
6 Pulse Oximetry Screening Act.

7 Section 2. Findings.

8 The General Assembly finds and declares as follows:

9 (1) Congenital heart defects (CHD) are structural
10 abnormalities that are present at birth and range in severity
11 from simple holes in the heart to severe malformations.

12 (2) Some severe congenital heart defects can cause
13 serious and life-threatening symptoms that require
14 intervention in the first days of life.

1 (3) The March of Dimes reports that approximately
2 350,000 infants are born with heart defects every year in the
3 United States.

4 (4) Congenital heart defects are the number one killer
5 of infants with birth defects, however, advances in diagnosis
6 and surgical treatment have led to dramatic increases in
7 survival for children with serious heart defects.

8 (5) In the United States, about 1.4 million children and
9 adults live with congenital heart defects today and nearly
10 all are able to live productive, active lives.

11 (6) Current methods for detecting congenital heart
12 defects include prenatal ultrasound screenings and repeated
13 clinical examinations, which only identify less than half of
14 all cases of CHD.

15 (7) Pulse oximetry is a noninvasive test that when
16 performed on newborns is effective in detecting critical,
17 life-threatening congenital heart defects that go undetected
18 by current screening methods.

19 Section 3. Definitions.

20 The following words and phrases when used in this act shall
21 have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "Birthing facility." An inpatient or ambulatory health care
24 facility licensed by the department that provides birthing and
25 newborn care services.

26 "Department." The Department of Health of the Commonwealth.

27 "HEALTH CARE PRACTITIONER." AS DEFINED IN SECTION 103 OF THE <--
28 ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE
29 FACILITIES ACT.

30 "Newborn child." A child less than 28 days of age.

1 Section 4. Pulse oximetry screening.

2 (a) General rule.--Except as provided for in subsection ~~(b)~~ <--
3 (C), the department shall require a birthing facility to perform <--
4 a critical congenital heart defects screening using pulse
5 oximetry on a newborn child in its care before discharge from
6 the birthing facility.

7 (B) DELIVERY OTHER THAN IN A BIRTHING FACILITY.--IF A HEALTH <--
8 CARE PRACTITIONER DELIVERS A NEWBORN CHILD OTHER THAN IN A
9 BIRTHING FACILITY AND THE NEWBORN CHILD IS DISCHARGED PRIOR TO
10 24 HOURS OF AGE, THEN THE HEALTH CARE PRACTITIONER SHALL PERFORM
11 OR CAUSE TO BE PERFORMED CRITICAL CONGENITAL HEART DEFECTS
12 SCREENING USING PULSE OXIMETRY WITHIN 48 HOURS OF BIRTH.

13 ~~(b)~~ (C) Alternate medically accepted test.-- <--

14 (1) A birthing facility shall perform a pulse oximetry
15 test on each newborn to detect critical congenital heart
16 defects at the effective date of this section until such time
17 that an alternate medically accepted test that measures the
18 percentage of blood oxygen saturation and follows medical
19 guideline consensus and recommendations issued by national
20 medical organizations advocating on behalf of cardiovascular
21 care is approved by the department.

22 (2) If the department identifies an alternate medically
23 accepted test that meets such criteria, the department shall
24 approve the test by publishing notice in the Pennsylvania
25 Bulletin and allowing for a 30-day public comment period
26 prior to approving the new test.

27 ~~(e)~~ (D) Exception.--A screening test under subsection (a) ~~or~~ <--
28 ~~(b)~~, (B) OR (C) may not be performed if a parent or guardian of <--
29 the newborn child dissents on the ground that the test conflicts
30 with a religious belief or practice.

1 Section 5. Regulations.

2 The department shall promulgate regulations necessary to
3 effectuate the provisions of this act.

4 Section 6. Effective date.

5 This act shall take effect in 90 days.