
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1927 Session of
1993

INTRODUCED BY HECKLER, MASLAND AND GODSHALL, JUNE 23, 1993

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, JUNE 23, 1993

AN ACT

1 Providing for substance-exposed infants and high-risk infant
2 follow-up programs; imposing responsibilities on the
3 Department of Public Welfare and counties; and providing for
4 confidentiality of certain information.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Substance-
9 Exposed Infant Identification, Intervention and Prevention Act.

10 Section 2. Legislative findings and intent.

11 The General Assembly finds and declares as follows:

12 (1) Pennsylvania is experiencing unacceptably high
13 numbers of high-risk pregnancies as a result of substance
14 abuse. These pregnancies frequently lead to premature births,
15 low birth weights and other conditions that may result in
16 intensive hospital treatment, birth defects and fetal or
17 infant mortality.

18 (2) Continued substance abuse by caretakers produces
19 unacceptable environmental risks for their babies.

(3) The purpose of this act shall be to coordinate, develop and expand services for substance-abusing pregnant women and to develop and expand programs to identify high-risk infants and ensure their well-being.

Section 3. Definitions.

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

"Controlled substance." A substance listed in section 4(1) or (2) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

"County children and youth agency." A county children and youth social service agency established under section 405 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law, and supervised by the Department of Public Welfare under Article IX of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

"Department." The Department of Public Welfare of the Commonwealth.

"High-risk infant." A baby who is born with fetal alcohol syndrome, neonatal abstinence syndrome or the systemic presence of a substance listed in section 4(1) or (2) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, unless the neonatal abstinence syndrome or systemic chemical presence relates directly to a chemical substance legally prescribed to the birthmother.

"High-risk pregnancy." A pregnancy during which use of alcohol or controlled substances may make the woman more susceptible to poor pregnancy outcomes, such as premature birth, low birth weight, birth defects and fetal or infant mortality.

1 "Single county authority." The local authority designated by
2 the Department of Health to purchase drug and alcohol treatment
3 services.

4 Section 4. High-risk pregnancies.

5 (a) Referral.--A physician or other licensed health care
6 provider who in the course of the physician's or provider's
7 practice comes into contact with a high-risk pregnancy may refer
8 the woman to a local provider designated by the single county
9 authority. The designated provider shall assign a certified
10 addictions counselor to perform an assessment of need,
11 coordinate appropriate and available services for the pregnant
12 woman and maintain contact throughout the duration of the
13 pregnancy.

14 (b) Immunity.--Any health care professional who in good
15 faith makes a referral under this section shall be immune from
16 criminal prosecution or civil liability associated with the
17 referral, including, but not limited to, liability for
18 defamation.

19 Section 5. High-risk births.

20 (a) General rule.--A physician who in the course of the
21 physician's practice determines a child to be a high-risk infant
22 shall refer the infant to a provider designated by the county
23 children and youth agency for a risk assessment. The provider
24 may be the county children and youth agency.

25 (b) Referral information.--Referrals shall be made
26 immediately by telephone and in writing within 48 hours after
27 the oral referral. The referrals shall include the following
28 information, if available:

- 29 (1) The names and addresses of the infant and infant's
30 parents or other person responsible for the infant's care, if

1 known.

2 (2) The date of the infant's birth and sex.

3 (3) The nature and extent of the infant's symptoms,
4 including evidence of exposure to alcohol or controlled
5 substances.

6 (4) Family composition.

7 (5) The source of the referral.

8 (6) The person making the referral and where that person
9 can be reached.

10 (7) The actions taken by the referral source to treat or
11 protect or treat and protect the infant.

12 (8) Any other information which the department may, by
13 regulation, require.

14 (c) Immunity.--Any health care professional who in good
15 faith makes a referral under this section shall be immune from
16 criminal prosecution or civil liability associated with the
17 referral, including, but not limited to, liability for
18 defamation.

19 Section 6. Responsibilities of counties.

20 Counties of the first through eighth class shall assign a
21 designated provider or providers in accordance with this act who
22 shall:

23 (1) establish protocols between local health
24 departments, children and youth agencies, single county
25 authorities, public and private hospitals and other
26 appropriate local service providers regarding the
27 identification of high-risk infants, the application and use
28 of risk assessments and the coordination of available
29 resources;

30 (2) when referrals of high-risk infants are made,

1 conduct a risk assessment to determine the level of risk to
2 the infant upon discharge into the existing home environment;
3 and

4 (3) if the risk assessment indicates that the infant is
5 at imminent risk of harm or if the mother refuses to allow a
6 risk assessment, refer the infant to the appropriate county
7 child protective agencies.

8 Section 7. Immediate referrals to child protective services.

9 Nothing in this act shall be interpreted to prohibit any
10 person from referring an infant to the appropriate county child
11 protective services agency if an infant is found to be in
12 imminent risk of serious physical or mental injury.

13 Section 8. Department responsibilities.

14 The department shall have the following responsibilities:

15 (1) Adopt regulations necessary to implement this act.

16 (2) Coordinate programs and services under this act with
17 the Department of Health.

18 (3) Report the following information annually to the
19 General Assembly:

20 (i) The number of women with high-risk pregnancies
21 referred for services, the type of services provided and
22 the outcome of the pregnancy.

23 (ii) The number of high-risk infants referred for
24 services, the type of services needed and the type of
25 services provided.

26 (iii) The number of high-risk infants referred to
27 child protective services and the services provided to
28 those infants.

29 Section 9. Confidentiality of information.

30 (a) General rule.--All information gathered under this act

1 including, but not limited to, the names and addresses of women
2 and infants referred for services under section 5 may be made
3 available only to the following parties:

4 (1) An authorized official of the county children and
5 youth social services agency or the designated provider in
6 the course of the provider's official duties,
7 multidisciplinary team members assigned to the case and
8 authorized persons providing services to pregnant women
9 referred under this act or to high-risk infants when the
10 information is necessary for the provision of those services.

11 (2) A physician examining or treating the mother or
12 infant, or the director, or a person specifically designated
13 in writing by the director, of any hospital or other medical
14 institution where the mother or infant is being treated.

15 (3) A guardian ad litem for the child.

16 (4) An authorized official agent of the department in
17 accordance with department regulations.

18 (5) Federal auditors, if required for Federal financial
19 participation in funding of agencies.

20 (6) County commissioners, to whom the department shall
21 forward specific files upon request, for review when
22 investigating the competence of county children and youth
23 social service agencies.

24 (b) Restriction.--Nothing in this section shall be
25 interpreted to permit the release of any information gathered
26 under this act to any person except those parties listed in
27 subsection (a).

28 Section 10. Immunity.

29 If a substance-abusing woman comes forth during pregnancy for
30 services or if a substance-abusing woman gives birth to a high-

1 risk infant, any information gathered by a health care provider
2 or designated provider shall be confidential, except as provided
3 in section 9, and may not be deemed probable cause for
4 prosecution of the woman.

5 Section 11. Regulations.

6 The department shall issue final regulations within 120 days
7 of the effective date of this act.

8 Section 12. Construction of act.

9 This act shall not be given a construction that would prevent
10 appropriate referrals of substance-abusing pregnant women for
11 appropriate treatment or referrals of high-risk substance-
12 exposed infants to child protective services as provided for
13 under 23 Pa.C.S. Ch. 63 (relating to child protective services).

14 Section 13. Effective date.

15 This act shall take effect in 120 days.