

AN ACT

1 Providing for lead screening and related services, for health  
2 insurance coverage for lead screening and related diagnostic  
3 services and supplies and for duties of the Department of  
4 Health.

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 Lead Testing  
9 and Protection Act.

10 Section 2. Declaration of policy.

11 The General Assembly hereby finds and declares as follows:

12 (1) According to the Centers for Disease Control and  
13 Prevention, at least four million households have children  
14 living in them who are being exposed to high levels of lead.

15 (2) There are approximately 500,000 children in the  
16 United States between one and five years of age with blood  
17 lead levels above five micrograms per deciliter ( $\mu\text{g/dL}$ ), the  
18 reference level at which the Centers for Disease Control and

1 Prevention recommends public health actions be initiated.

2 (3) Lead poisoning is most detrimental to children under  
3 72 months of age and expectant mothers.

4 (4) The effects of lead poisoning are not reversible.

5 (5) According to the department's 2014 Childhood Lead  
6 Surveillance Annual Report, of the 1,028,282 children in this  
7 Commonwealth under seven years of age, only 140,524 children  
8 were screened for blood lead levels. Of the 140,524 children  
9 tested, 13,171 children had elevated blood lead levels.

10 (6) Complications from lead poisoning include the  
11 following:

12 (i) Developmental delays.

13 (ii) Brain damage.

14 (iii) Nervous system damage.

15 (iv) Memory loss.

16 (v) Abdominal pain.

17 (vi) Aggressive behavior.

18 (vii) Constipation.

19 (viii) Sleep problems.

20 (ix) Headaches.

21 (x) Irritability.

22 (xi) Loss of developmental skills in children.

23 (xii) Loss of appetite.

24 (xiii) Fatigue.

25 (xiv) High blood pressure.

26 (xv) Numbness or tingling in the extremities.

27 (xvi) Anemia.

28 (xvii) Kidney dysfunction.

29 (7) No safe blood lead level in children has been  
30 identified.

1 Section 3. Definitions.

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

5 "Birthing facility." An inpatient or ambulatory health care  
6 facility licensed by the department that provides birthing and  
7 newborn care services.

8 "Blood lead level." A measure of lead in the blood, measured  
9 in micrograms of lead per deciliter of whole blood ( $\mu\text{g}/\text{dL}$ ).

10 "Child." A child under 72 months of age who is a resident of  
11 this Commonwealth.

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

13 "Diagnostic blood lead level testing." Analysis of a blood  
14 sample to determine quantitative blood lead levels for a sample:

15 (1) Obtained by venipuncture for the purpose of any of  
16 the following:

17 (i) Confirming lead poisoning as a follow-up blood  
18 lead level test.

19 (ii) Diagnosing a child or expectant mother showing  
20 signs or symptoms of lead poisoning.

21 (iii) Diagnosing a child or expectant mother  
22 suspected of having sustained a significant lead  
23 exposure.

24 (2) Analyzed in a laboratory licensed by the department  
25 to perform the testing or in a laboratory of the department.

26 "Diagnostic evaluation." Obtaining and evaluating medical  
27 history information, conducting a physical examination and  
28 diagnostic blood lead level testing, identifying potential  
29 sources of lead exposure and evaluating iron status.

30 "Government program." Any of the following:

1 (1) The children's health care program under Article  
2 XXIII-A of the act of May 17, 1921 (P.L.682, No.284), known  
3 as The Insurance Company Law of 1921.

4 (2) The Commonwealth's medical assistance program  
5 established under the act of June 13, 1967 (P.L.31, No.21),  
6 known as the Human Services Code.

7 "Health care practitioner." As defined in section 103 of the  
8 act of July 19, 1979 (P.L.130, No.48), known as the Health Care  
9 Facilities Act.

10 "Insurance policy." An individual or group health insurance  
11 policy, contract or plan issued by or through an insurer or a  
12 government program that provides medical or health care coverage  
13 by a health care facility or licensed health care provider. The  
14 term does not include accident only, fixed indemnity, limited  
15 benefit, credit, dental, specified disease, Civilian Health and  
16 Medical Program of the Uniformed Services (CHAMPUS) supplement,  
17 long-term care or disability income, workers' compensation or  
18 automobile medical payment insurance.

19 "Insurer." An entity or affiliate entity that issues an  
20 insurance policy that is offered or governed under any of the  
21 following:

22 (1) The act of May 17, 1921 (P.L.682, No.284), known as  
23 The Insurance Company Law of 1921.

24 (2) The act of December 29, 1972 (P.L.1701, No.364),  
25 known as the Health Maintenance Organization Act.

26 (3) The act of May 18, 1976 (P.L.123, No.54), known as  
27 the Individual Accident and Sickness Insurance Minimum  
28 Standards Act.

29 (4) 40 Pa.C.S. Ch. 61 (relating to hospital plan  
30 corporations).

1 (5) 40 Pa.C.S. Ch. 63 (relating to professional health  
2 services plan corporations).

3 "Lead poisoning." A blood lead level that meets one of the  
4 following criteria:

5 (1) A confirmed blood lead level greater than or equal  
6 to 20 µg/dL in a child or expectant mother.

7 (2) Two blood lead level samples of a child or expectant  
8 mother, separated by at least 90 days, but not more than 365  
9 days, which indicate a blood lead level greater or equal to  
10 15 µg/dL.

11 "Lead screening-related services." Include:

12 (1) Materials and supplies used to obtain blood  
13 specimens for quantitative blood lead level or erythrocyte  
14 protoporphyrin (EP) analysis.

15 (2) Laboratory analysis of submitted samples for  
16 quantitative blood lead level or EP.

17 (3) Evaluation of results obtained from laboratory  
18 analysis of samples submitted for quantitative blood lead  
19 level or EP analysis, as well as related consultation,  
20 referral and follow-up of potentially lead-poisoned children  
21 and expectant mothers.

22 "Screening test." A blood sample obtained either by  
23 venipuncture or finger stick capillary blood collection from an  
24 asymptomatic child or expectant mother not known to be lead  
25 poisoned in order to identify the child or expectant mother's  
26 risk of lead poisoning.

27 Section 4. Screening.

28 (a) General rule.--Screening tests shall be performed in  
29 accordance with the following:

30 (1) Children shall receive a screening test in

1 accordance with the following schedule:

2 (i) Each child shall be screened at 12 months of age  
3 and 24 months of age.

4 (ii) All children designated as high risk through a  
5 risk assessment evaluation promulgated by the department  
6 shall be screened annually from 12 months of age to 72  
7 months of age.

8 (iii) More frequent screening tests for asymptomatic  
9 children under 72 months of age may be completed upon  
10 recommendation of a health care practitioner.

11 (2) All expectant mothers shall receive a screening test  
12 as part of their prenatal care.

13 (b) Testing methods.--Health care practitioners shall ensure  
14 that screening tests are conducted either by venipuncture or by  
15 capillary blood sampling in accordance with department  
16 regulation.

17 (c) Exception.--If the parent or guardian of a child objects  
18 on the ground that a screening test conflicts with a religious  
19 belief or practice, the screening test under subsection (a) may  
20 not be performed.

21 Section 5. Health insurance coverage.

22 (a) General rule.--An insurance policy shall provide  
23 coverage for all of the following:

24 (1) Screening tests and lead screening-related services  
25 for children under 72 months of age and expectant mothers.

26 (2) Diagnostic evaluations.

27 (b) Department duties.--The department shall provide the  
28 following services for children under 72 months of age and  
29 expectant mothers who are not covered by a health insurance  
30 policy:

1 (1) Screening tests and lead screening-related services.

2 (2) Diagnostic evaluations.

3 (c) Reimbursement.--The department shall not be required to  
4 reimburse third parties for services under subsection (b) that  
5 are not provided by the department.

6 (d) Applicability.--This section shall apply to insurance  
7 policies issued or entered into on or after the effective date  
8 of this section.

9 Section 6. Materials.

10 (a) Educational and instructional materials.--The department  
11 shall distribute readily understandable information and  
12 educational and instructional materials regarding lead  
13 poisoning. The materials shall explain the risk factors  
14 associated with lead exposure and emphasize lead screening and  
15 testing procedures. The materials shall be provided to parents  
16 of newborns prior to discharge from a hospital or birthing  
17 facility. If the birth takes place in a setting other than a  
18 hospital or birthing facility, the materials shall be provided  
19 by a health care practitioner who assists at the birth.

20 (b) Acknowledgment statement.--An acknowledgment statement  
21 shall be signed by a parent of a newborn prior to discharge from  
22 a hospital or birthing facility or after a birth that takes  
23 place in a setting other than a hospital or birthing facility.  
24 One copy of the acknowledgment statement shall be given to a  
25 parent and one copy shall remain on file in the hospital or  
26 birthing facility. Copies of acknowledgment statements signed by  
27 parents of newborns in settings other than a hospital or  
28 birthing facility shall be kept on file by the health care  
29 practitioner who assists at the birth. The acknowledgment  
30 statement shall be in a form as prescribed by the department.

1 (c) Distribution of materials.--The information and  
2 educational and instructional materials described in subsection  
3 (a) shall be provided without cost by each hospital, birthing  
4 facility or health care practitioner to a parent of each newborn  
5 upon discharge from a hospital or birthing facility or after  
6 births that take place in settings other than a hospital or  
7 birthing facility.

8 (d) Liability.--A hospital, birthing facility or health care  
9 practitioner shall not be civilly or criminally liable for the  
10 action or inaction of a parent with regard to lead exposure  
11 pursuant to materials given to the parent relating to lead  
12 exposure.

13 Section 7. Regulations.

14 The department shall promulgate regulations as necessary to  
15 implement the provisions of this act.

16 Section 8. Effective date.

17 This act shall take effect in 90 days.



LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 3/25/10)

No. \_\_\_\_\_

2016D09061BIL:BTW

LEGISLATIVE REFERENCE BUREAU

AN ACT

Providing for lead screening and related services, for health insurance coverage for lead screening and related diagnostic services and supplies and for duties of the Department of Health.

INTRODUCED \_\_\_\_\_ 20\_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

See next page for additional co-sponsors.

Referred to Committee on

Date \_\_\_\_\_ 20\_\_\_\_\_

Reported \_\_\_\_\_ 20\_\_\_\_\_

As Committed-Amended

Recommendation

By Hon. \_\_\_\_\_