

NEWBORN CHILD PULSE OXIMETRY SCREENING ACT - ENACTMENT

Act of Jul. 2, 2014, P.L. 853, No. 94

Cl. 35

An Act

Providing for newborn child pulse oximetry screening.

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

Section 1. Short title.

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

Section 2. Findings.

The General Assembly finds and declares as follows:

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

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

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

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

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

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

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

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:

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

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

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

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

Section 4. Pulse oximetry screening.

(a) General rule.--Except as provided for in subsection (c), the department shall require a birthing facility to perform a critical congenital heart defects screening using pulse oximetry on a newborn child in its care before discharge from the birthing facility.

(b) Delivery other than in a birthing facility.--If a health care practitioner delivers a newborn child other than in a birthing facility and the newborn child is discharged prior to 24 hours of age, the health care practitioner shall perform or cause to be performed critical congenital heart defects screening using pulse oximetry within 48 hours of birth.

(c) Alternate medically accepted test.--

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

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

(d) Exception.--A screening test under subsection (a), (b) or (c) may not be performed if a parent or guardian of the newborn child dissents on the ground that the test conflicts with a religious belief or practice.

Section 5. Regulations.

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

Section 6. Effective date.

This act shall take effect in 90 days.