

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1707 Session of
2015

INTRODUCED BY CRUZ, YOUNGBLOOD, KINSEY, MURT, ROZZI, THOMAS,
MILLARD, DRISCOLL, READSHAW, McCARTER, McNEILL, MULLERY,
D. COSTA, SCHWEYER, V. BROWN, COHEN AND WARD,
NOVEMBER 17, 2015

REFERRED TO COMMITTEE ON HEALTH, NOVEMBER 17, 2015

AN ACT

1 Providing for cytomegalovirus education and newborn testing.

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 CMV Education
6 and Newborn Testing Act.

7 Section 2. Definitions.

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

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

14 "CMV." Cytomegalovirus.

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

16 "Health care practitioner." This term shall have the same

1 meaning as defined in section 103 of the act of July 19, 1979
2 (P.L.130, No.48), known as the Health Care Facilities Act.

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

4 Section 3. Informational publications by department.

5 (a) General rule.--The department shall make the following
6 available on the department's publicly accessible Internet
7 website:

8 (1) Up-to-date, evidence-based information about CMV
9 that has been reviewed by medical experts and national CMV
10 organizations. The information provided shall include the
11 following:

12 (i) The incidence of CMV.

13 (ii) The transmission of CMV to pregnant women and
14 women who may become pregnant.

15 (iii) Birth defects caused by congenital CMV.

16 (iv) Methods of diagnosing congenital CMV.

17 (v) Available preventative measures.

18 (vi) Treatment options.

19 (vii) Any other information the department deems
20 necessary.

21 (2) Contact information regarding support programs and
22 services, including the following:

23 (i) Information hotlines specific to CMV.

24 (ii) Relevant resource centers or clearinghouses.

25 (iii) National and local CMV organizations.

26 (iv) Education and support programs.

27 (b) Form.--The information provided in accordance with this
28 act shall conform to the applicable standard or standards
29 provided in the enhanced "National Standards for Culturally and
30 Linguistically Appropriate Services in Health and Health Care,"

1 as adopted by the United States Department of Health and Human
2 Services and published in the Federal Register on September 24,
3 2013.

4 Section 4. Dissemination of information on CMV.

5 (a) Requirement.--A health care practitioner that assumes
6 responsibility for the prenatal care of pregnant women or women
7 who may become pregnant shall provide the educational
8 information regarding CMV made available by the department under
9 section 3.

10 (b) Compliance.--Delivery of information prepared by the
11 department in accordance with section 3 shall constitute
12 compliance with this section.

13 Section 5. CMV newborn testing.

14 (a) General rule.--Except as provided for in subsection
15 (b), the department shall require a birthing facility or a
16 health care practitioner that assumes care of a newborn child to
17 test the newborn child for CMV before the newborn child is 21
18 days of age if:

19 (1) The newborn child fails the newborn hearing
20 screening pursuant to the act of November 30, 2001 (P.L.849,
21 No.89), known as the Infant Hearing Education, Assessment,
22 Reporting and Referral (IHEARR) Act.

23 (2) The parent or guardian of a newborn child requests
24 that the newborn child be tested for CMV.

25 (b) Exception.--A test under subsection (a) may not be
26 performed if a parent or guardian of the newborn child dissents
27 on the grounds that the test conflicts with a religious belief
28 or practice.

29 Section 6. Regulations.

30 The department shall promulgate regulations necessary to

- 1 effectuate the provisions of this act.
- 2 Section 7. Effective date.
- 3 This act shall take effect in 90 days.