

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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

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INTRODUCED BY BOBACK, WHITE, BAKER, CALTAGIRONE, YOUNGBLOOD,  
COX, DONATUCCI, FLYNN, MUNDY, ROZZI, KAVULICH, RAPP, O'BRIEN,  
BROWNLEE, SCHLOSSBERG, GINGRICH, HARKINS, HARHAI, COHEN,  
QUINN, FARINA, R. BROWN, BROOKS, HESS, SABATINA, V. BROWN,  
EVERETT, KULA, WATSON, KORTZ, MILNE, MURT, KAUFFMAN, SNYDER,  
NEILSON, HAGGERTY, CHRISTIANA, MAHONEY, MACKENZIE, HEFFLEY,  
DAVIDSON, HARPER, DAVIS, DeLUCA AND CRUZ, MAY 23, 2013

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AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 22, 2013

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

28 Section 4. ~~Pulse Oximetry Screening~~ OXIMETRY SCREENING. <--

29 (a) General rule.--Except as provided for in subsection (b),  
30 the department shall require a birthing facility to perform a

1 critical congenital heart defects screening using pulse oximetry  
2 on a newborn child in its care before discharge from the  
3 birthing facility.

4 ~~(b) Exception. A screening test under subsection (a) may~~ <--

5 (B) ALTERNATE MEDICALLY ACCEPTED TEST.-- <--

6 (1) A BIRTHING FACILITY SHALL PERFORM A PULSE OXIMETRY  
7 TEST ON EACH NEWBORN TO DETECT CRITICAL CONGENITAL HEART  
8 DEFECTS AT THE EFFECTIVE DATE OF THIS SECTION UNTIL SUCH TIME  
9 THAT AN ALTERNATE MEDICALLY ACCEPTED TEST THAT MEASURES THE  
10 PERCENTAGE OF BLOOD OXYGEN SATURATION AND FOLLOWS MEDICAL  
11 GUIDELINE CONSENSUS AND RECOMMENDATIONS ISSUED BY NATIONAL  
12 MEDICAL ORGANIZATIONS ADVOCATING ON BEHALF OF CARDIOVASCULAR  
13 CARE IS APPROVED BY THE DEPARTMENT.

14 (2) IF THE DEPARTMENT IDENTIFIES AN ALTERNATE MEDICALLY  
15 ACCEPTED TEST THAT MEETS SUCH CRITERIA, THE DEPARTMENT SHALL  
16 APPROVE THE TEST BY PUBLISHING NOTICE IN THE PENNSYLVANIA  
17 BULLETIN AND ALLOWING FOR A 30-DAY PUBLIC COMMENT PERIOD  
18 PRIOR TO APPROVING THE NEW TEST.

19 (C) EXCEPTION.--A SCREENING TEST UNDER SUBSECTION (A) OR (B)  
20 MAY not be performed if a parent or guardian of the newborn  
21 child dissents on the ground that the test conflicts with a  
22 religious belief or practice.

23 Section 5. Regulations.

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

26 Section 6. Effective date.

27 This act shall take effect in 90 days.