

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 709 Session of 2021

INTRODUCED BY TOMLINSON, MARTIN, MENSCH, FONTANA, DiSANTO, STEFANO, SABATINA, KEARNEY, AUMENT, COSTA, SANTARSIERO, COLLETT, L. WILLIAMS, TARTAGLIONE, HAYWOOD AND COMMITTA, MAY 25, 2021

AS AMENDED ON THIRD CONSIDERATION, SEPTEMBER 21, 2021

AN ACT

1 Providing for cytomegalovirus education and newborn 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 CMV Education
6 and Newborn Screening 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 "Certified-nurse midwife." An individual licensed by
15 the State Board of Medicine to practice midwifery under section
16 35 of the act of December 20, 1985 (P.L.457, No.112), known as

1 the Medical Practice Act of 1985.

2 "CMV." Cytomegalovirus.

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

4 "Direct-entry midwife." An independent practitioner educated
5 in the discipline of midwifery through self-study,
6 apprenticeship, a midwifery school or a college or university-
7 based program distinct from the discipline of nursing. The term
8 includes certified professional midwives, traditional midwives,
9 Amish, Mennonite or Plain midwives and other specific cultural
10 or spiritual community-based midwives not licensed by the State
11 Board of Medicine as a certified-nurse midwife.

12 "Health care practitioner." The term shall have the same
13 meaning as defined in section 103 of the act of July 19, 1979
14 (P.L.130, No.48), known as the Health Care Facilities Act.

15 "Newborn child." A child under 21 days of age.

16 Section 3. Informational publications by department.

17 (a) General rule.--The department shall make the following
18 available on the department's publicly accessible Internet
19 website:

20 (1) Up-to-date, evidence-based information about CMV
21 that has been reviewed by medical experts and national CMV
22 organizations. The information provided shall include the
23 following:

24 (i) The incidence of CMV.

25 (ii) The transmission of CMV to pregnant women and
26 women who may become pregnant.

27 (iii) Birth defects caused by congenital CMV.

28 (iv) Methods of diagnosing congenital CMV.

29 (v) Available preventive measures.

30 (vi) Treatment options.

1 (vii) Any other information the department deems
2 necessary.

3 (2) Contact information regarding support programs and
4 services, including the following:

5 (i) Information hotlines specific to CMV.

6 (ii) Relevant resource centers or clearinghouses.

7 (iii) National and local CMV organizations.

8 (iv) Educational and support programs.

9 (b) Form.--The information provided in accordance with this
10 act shall conform to the applicable standard or standards
11 provided in the enhanced "National Standards for Culturally and
12 Linguistically Appropriate Services in Health and Health Care,"
13 as adopted by the United States Department of Health and Human
14 Services and published in the Federal Register on September 24,
15 2013.

16 Section 4. Dissemination of information on CMV.

17 (a) Requirement.--A certified-nurse midwife, direct-entry
18 midwife or health care practitioner that assumes responsibility
19 for the prenatal care of a pregnant woman or a woman who may
20 become pregnant shall provide the educational information
21 regarding CMV made available by the department under section 3.

22 (b) Compliance.--Delivery of information prepared by the
23 department in accordance with section 3 shall constitute
24 compliance with this section.

25 Section 5. CMV newborn screening.

26 (a) General rule.--Except as provided for in subsection
27 (c), the department shall require a birthing facility or a
28 certified-nurse midwife, direct-entry midwife or health care
29 practitioner that assumes care of a newborn child to screen the
30 newborn child for CMV before the newborn child is 21 days of age

1 if:

2 (1) the newborn child fails the initial newborn hearing
3 screening under the act of November 30, 2001 (P.L.849,
4 No.89), known as the Infant Hearing Education, Assessment,
5 Reporting and Referral (IHEARR) Act; or

6 (2) the parent or guardian of a newborn child requests
7 that the newborn child be screened for CMV.

8 (b) Screening.--A CMV screening shall be performed using the
9 following:

10 (1) polymerase chain reaction (PCR) on saliva or urine;

11 (2) follow-up urine test to a positive PCR saliva test
12 for confirmation; or

13 ~~(3) successor testing approved by the Centers for~~ <--
14 ~~Disease Control and Prevention.~~

15 (3) TESTING APPROVED ON OR BEFORE THE EFFECTIVE DATE OF <--
16 THIS SECTION BY:

17 (I) THE DEPARTMENT; OR

18 (II) THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

19 (c) Exception.--A screening under subsection (a) may not be
20 performed if a parent or guardian of the newborn child dissents
21 on the grounds that the screening conflicts with a religious
22 belief or practice.

23 Section 6. Regulations.

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

26 Section 7. Effective date.

27 This act shall take effect in 90 days.