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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2012	.	
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The Committee on Health Regulation (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 383.146, Florida Statutes, is created to read:

383.146 Newborn screening for critical congenital heart disease.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Health.

(b) "Newborn" means an age range from birth through 29 days.



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13 (c) "Screening" means measuring blood oxygen saturation
14 using pulse oximetry to determine whether a newborn needs
15 additional diagnostic evaluation for critical congenital heart
16 disease.

17 (2) REQUIREMENTS FOR SCREENING OF NEWBORNS; INSURANCE
18 COVERAGE; REFERRAL FOR ONGOING SERVICES.-

19 (a) Each licensed hospital that provides maternity and
20 newborn care services shall ensure that, prior to discharge, all
21 newborns are screened for the detection of critical congenital
22 heart disease.

23 (b) Each licensed birth center that provides maternity and
24 newborn care services shall ensure that, prior to discharge, all
25 newborns are screened for the detection of critical congenital
26 heart disease.

27 (c) If the parent or legal guardian of the newborn objects
28 to the screening, the screening must not be completed,
29 notwithstanding any other provision of this section. In such
30 case, the physician, midwife, or other person who is attending
31 the newborn shall maintain a record that the screening has not
32 been performed and attach a written objection that must be
33 signed by the parent or guardian.

34 (d) For home births, the health care provider in attendance
35 is responsible for the screening.

36 (e) Appropriate documentation of the screening completion,
37 results, interpretation, and recommendations must be placed in
38 the medical record within 24 hours after completion of the
39 screening procedure.

40 (f) Each hospital shall formally designate a lead physician
41 who is responsible for programmatic oversight of newborn



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42 congenital heart disease screening. Each licensed birth center
43 shall designate a licensed health care provider to provide such
44 programmatic oversight. Such physician or health care provider
45 shall ensure that the appropriate referrals are completed
46 following a positive screening test result.

47 (g) By October 1, 2012, screening for critical congenital
48 heart disease must be conducted on all newborns in hospitals and
49 birth centers in this state following birth admission.

50 (3) RULES.—After consultation with the Genetics and Newborn
51 Screening Advisory Council, the department shall adopt and
52 enforce rules requiring that every newborn in this state be
53 screened for critical congenital heart disease. The department
54 shall adopt such additional rules as are necessary for the
55 administration of this section, including rules providing
56 definitions of terms, rules relating to the methods used and
57 time or times for testing as accepted medical practice
58 indicates, rules relating to charging and collecting fees for
59 the administration of the newborn screening program required by
60 this section, rules for processing requests and releasing test
61 and screening results, and rules requiring mandatory reporting
62 of the results of tests and screenings for this condition to the
63 department.

64 (4) POWERS AND DUTIES OF THE DEPARTMENT.—The department
65 shall administer and provide services required pursuant to this
66 section and shall:

67 (a) Furnish to all physicians, county health departments,
68 perinatal centers, birth centers, and hospitals forms on which
69 the results of tests for critical congenital heart disease shall
70 be reported to the department.



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71 (b) Have the authority to charge and collect fees
72 sufficient to administer the newborn screening program required
73 under this section.

74 Section 2. This act shall take effect July 1, 2012.

75

76 ===== T I T L E A M E N D M E N T =====

77 And the title is amended as follows:

78 Delete everything before the enacting clause
79 and insert:

80

 A bill to be entitled

81

 An act relating to newborn screening for critical
82 congenital heart disease; creating s. 383.146, F.S.;;
83 providing definitions; providing requirements for
84 screening newborns for critical congenital heart
85 disease; providing an exception; requiring that the
86 physician, midwife, or other person attending the
87 newborn maintain a record if the screening has not
88 been performed and attach a written objection signed
89 by the parent or guardian; requiring appropriate
90 documentation of the screening completion in the
91 medical record; requiring that each hospital and each
92 licensed birth center designate a lead physician and a
93 licensed health care provider, respectively, to
94 provide programmatic oversight for the screening;
95 requiring that the screening for critical congenital
96 heart disease be conducted on all newborns in
97 hospitals and birth centers in this state; authorizing
98 the Department of Health to adopt rules to administer
99 the screening program; providing powers and duties of



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100 the department; providing an effective date.

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102 WHEREAS, congenital heart disease is the most common birth
103 defect in infants, affecting 8 out of every 1,000 newborn
104 babies, and

105 WHEREAS, early detection of congenital heart disease is
106 crucial to the health of a newborn baby because, if the
107 condition goes undiagnosed, it can cause major problems later in
108 the child's life, and

109 WHEREAS, pulse oximetry is a noninvasive method of
110 monitoring the oxygen level in the blood and is recommended as a
111 method of screening a patient for critical congenital heart
112 disease, and

113 WHEREAS, physical exertion and participation in sports can
114 cause excess stress on the heart and, if the disease is not
115 detected and is severe enough, participation in strenuous
116 activity can result in death, NOW, THEREFORE,