

By Senator Ring

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1 A bill to be entitled

2 An act relating to newborn screening for congenital
3 heart disease; creating s. 383.146, F.S.; providing
4 definitions; providing requirements for screening
5 newborns for congenital heart disease; providing for
6 certain insurance and managed care coverage; providing
7 for referral for ongoing services; authorizing the
8 Department of Health to adopt rules to implement the
9 screening; providing powers and duties of the
10 department; providing an effective date.

11
12 WHEREAS, congenital heart disease is the most common birth
13 defect in infants, affecting 8 out of every 1,000 newborn
14 babies, and

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

19 WHEREAS, pulse oximetry is a noninvasive method of
20 monitoring the oxygen level in the blood and is recommended as a
21 method of screening a patient for congenital heart disease, and

22 WHEREAS, physical exertion and participation in sports can
23 cause excess stress on the heart and, if the disease is not
24 detected and is severe enough, participation in strenuous
25 activity can result in death, NOW, THEREFORE,

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Section 383.146, Florida Statutes, is created to

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30 read:

31 383.146 Newborn screening for congenital heart disease.-

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

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

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

36 (c) "Screening" means a test or battery of tests
37 administered to determine whether a newborn has congenital heart
38 disease.

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

41 (a) Each licensed hospital or other state-licensed birthing
42 facility that provides maternity and newborn care services shall
43 provide that all newborns are, prior to discharge, screened for
44 congenital heart disease.

45 (b) Each licensed birth center that provides maternity and
46 newborn care services shall provide that all newborns are, prior
47 to discharge, referred to a physician licensed under chapter 458
48 or chapter 459 or a hospital for screening for the detection of
49 congenital heart disease. The referral for appointment shall be
50 made within 10 days after discharge. Written documentation of
51 the referral must be placed in the newborn's medical chart.

52 (c) If the parent or legal guardian of the newborn objects
53 to the screening, the screening must not be completed
54 notwithstanding any other provision of this section. In such
55 case, the physician, midwife, or other person who is attending
56 the newborn shall maintain a record that the screening has not
57 been performed and attach a written objection that must be
58 signed by the parent or guardian.

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59 (d) For home births, the health care provider in attendance
60 is responsible for the coordination and referral to a physician
61 licensed under chapter 458 or chapter 459 or a hospital. The
62 referral for appointment shall be made within 10 days after the
63 birth. In cases in which the home birth is not attended by a
64 primary health care provider, a referral to a physician licensed
65 pursuant to chapter 458 or chapter 459 or a hospital must be
66 made by the health care provider within 10 days after the
67 child's birth.

68 (e) All newborn and infant screenings shall be conducted by
69 a physician licensed under chapter 458 or chapter 459.
70 Appropriate documentation of the screening completion, results,
71 interpretation, and recommendations must be placed in the
72 medical record within 24 hours after completion of the screening
73 procedure.

74 (f) The screening of a newborn for congenital heart disease
75 must be completed before the newborn is discharged from the
76 hospital.

77 (g) Each hospital shall formally designate a lead physician
78 responsible for programmatic oversight for newborn congenital
79 heart disease screening. Each licensed birth center shall
80 designate a licensed health care provider to provide such
81 programmatic oversight and to ensure that the appropriate
82 referrals are being completed.

83 (h) By October 1, 2012, congenital heart disease screening
84 must be conducted on all newborns in hospitals in this state on
85 birth admission. When a newborn is delivered in a facility other
86 than a hospital, the parents must be instructed on the
87 importance of having the screening performed and must be given

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88 information to assist them in having the screening performed
89 within 10 days after the child's birth.

90 (i) The initial procedure for screening of the newborn for
91 congenital heart disease and any medically necessary followup
92 reevaluations leading to diagnosis shall be a covered benefit,
93 reimbursable under Medicaid as an expense compensated
94 supplemental to the per diem rate for Medicaid patients enrolled
95 in MediPass or Medicaid patients covered by a fee for service
96 program. For Medicaid patients enrolled in health maintenance
97 organizations, providers shall be reimbursed directly by the
98 Medicaid Program Office at the Medicaid rate. This service may
99 not be considered a covered service for the purposes of
100 establishing the payment rate for Medicaid health maintenance
101 organizations. All health insurance policies and health
102 maintenance organizations as provided under ss. 627.6416,
103 627.6579, and 641.31(30), except for supplemental policies that
104 only provide coverage for specific diseases, hospital indemnity,
105 or Medicare supplement, or to the supplemental polices, shall
106 compensate providers for the covered benefit at the contracted
107 rate. Nonhospital-based providers shall be eligible to bill
108 Medicaid for the professional and technical component of each
109 procedure code.

110 (3) RULES.—After consultation with the Genetics and Newborn
111 Screening Advisory Council, the department shall adopt and
112 enforce rules requiring that every newborn in this state be
113 subjected to a test for congenital heart disease. The department
114 shall adopt such additional rules as are necessary for the
115 administration of this section, including rules providing
116 definitions of terms, rules relating to the methods used and

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117 time or times for testing as accepted medical practice
118 indicates, rules relating to charging and collecting fees for
119 the administration of the newborn screening program authorized
120 by this section, rules for processing requests and releasing
121 test and screening results, and rules requiring mandatory
122 reporting of the results of tests and screenings for this
123 condition to the department.

124 (4) POWERS AND DUTIES OF THE DEPARTMENT.—The department
125 shall administer and provide services authorized pursuant to
126 this section and shall:

127 (a) Ensure the availability and quality of the necessary
128 laboratory tests and materials.

129 (b) Furnish all physicians, county health departments,
130 perinatal centers, birthing centers, and hospitals forms on
131 which the results of tests for congenital heart disease shall be
132 reported to the department.

133 (c) Have the authority to charge and collect fees
134 sufficient to administer the newborn screening program
135 authorized under this section.

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