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:

28

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

30 to 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

42 birthing facility that provides maternity and newborn care

43 services shall provide that all newborns are, prior to

44 discharge, screened for 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.

59   (d) For home births, the health care provider in

60 attendance is responsible for the coordination and referral to a

61 physician licensed under chapter 458 or chapter 459 or a

62 hospital. The referral for appointment shall be made within 10

63 days after the birth. In cases in which the home birth is not

64 attended by a primary health care provider, a referral to a

65 physician licensed pursuant to chapter 458 or chapter 459 or a

66 hospital must be made by the health care provider within 10 days

67 after the child's birth.

68   (e) All newborn and infant screenings shall be conducted

69 by 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

75 disease must be completed before the newborn is discharged from

76 the hospital.

77   (g) Each hospital shall formally designate a lead

78 physician responsible for programmatic oversight for newborn

79 congenital heart disease screening. Each licensed birth center

80 shall 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

hb0829-00

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

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

111 Newborn Screening Advisory Council, the department shall adopt

112 and enforce rules requiring that every newborn in this state be

hb0829-00

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
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.