

By Senator Ring

29-00118-13

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1                   A bill to be entitled  
2           An act relating to newborn screening for critical  
3           congenital heart disease; creating s. 383.146, F.S.;  
4           providing definitions; providing requirements for  
5           screening newborns for critical congenital heart  
6           disease; providing an exception; requiring that the  
7           physician, midwife, or other person attending the  
8           newborn maintain a record if the screening has not  
9           been performed and attach a written objection signed  
10          by the parent or guardian; requiring appropriate  
11          documentation of the screening completion in the  
12          medical record; requiring that each hospital and each  
13          licensed birth center designate a lead physician and a  
14          licensed health care provider, respectively, to  
15          provide programmatic oversight for the screening;  
16          requiring that the screening for critical congenital  
17          heart disease be conducted on all newborns in  
18          hospitals and birth centers in this state; authorizing  
19          the Department of Health to adopt rules to administer  
20          the screening program; providing powers and duties of  
21          the department; providing an effective date.

22  
23           WHEREAS, congenital heart disease is the most common birth  
24          defect in infants, affecting 8 out of every 1,000 newborn  
25          babies, and

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

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30 WHEREAS, pulse oximetry is a noninvasive method of  
31 monitoring the oxygen level in the blood and is recommended as a  
32 method of screening a patient for critical congenital heart  
33 disease, and

34 WHEREAS, physical exertion and participation in sports can  
35 cause excessive stress on the heart and, if the disease is not  
36 detected and is severe enough, participation in strenuous  
37 activity can result in death, NOW, THEREFORE,

38  
39 Be It Enacted by the Legislature of the State of Florida:

40  
41 Section 1. Section 383.146, Florida Statutes, is created to  
42 read:

43 383.146 Newborn screening for critical congenital heart  
44 disease.-

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

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

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

49 (c) "Screening" means measuring blood oxygen saturation  
50 using pulse oximetry to determine whether a newborn needs  
51 additional diagnostic evaluation for critical congenital heart  
52 disease.

53 (2) REQUIREMENTS FOR SCREENING OF NEWBORNS; REFERRAL FOR  
54 ONGOING SERVICES.-

55 (a) Except as provided in paragraph (c), each licensed  
56 hospital that provides maternity and newborn care services shall  
57 ensure that, prior to discharge, all newborns are screened for  
58 the detection of critical congenital heart disease.

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59 (b) Except as provided in paragraph (c), each licensed  
60 birth center that provides maternity and newborn care services  
61 shall ensure that, prior to discharge, all newborns are screened  
62 for the detection of critical congenital heart disease.

63 (c) If the parent or legal guardian of the newborn objects  
64 to the screening, the screening must not be completed. In such  
65 case, the physician, midwife, or other person who is attending  
66 the newborn shall maintain a record that the screening has not  
67 been performed and attach a written objection that must be  
68 signed by the parent or guardian.

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

71 (e) Appropriate documentation of the screening completion,  
72 results, interpretation, and recommendations must be placed in  
73 the medical record within 24 hours after completion of the  
74 screening procedure.

75 (f) Each hospital shall designate a lead physician who is  
76 responsible for programmatic oversight of newborn congenital  
77 heart disease screening. Each licensed birth center shall  
78 designate a licensed health care provider to provide the  
79 programmatic oversight. The physician or health care provider  
80 shall ensure that the appropriate referrals are completed  
81 following a positive screening test result.

82 (g) Beginning no later than October 1, 2013, screening for  
83 critical congenital heart disease shall be conducted on all  
84 newborns in hospitals and birth centers in this state following  
85 birth admission.

86 (3) RULES.—After consultation with the Genetics and Newborn  
87 Screening Advisory Council, the department shall adopt and

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88 enforce rules requiring that every newborn in this state be  
89 screened for critical congenital heart disease. The department  
90 shall adopt the additional rules as are necessary for the  
91 administration of this section, including rules providing  
92 definitions of terms, rules relating to the methods used and  
93 time or times for testing as accepted medical practice  
94 indicates, rules relating to charging and collecting fees for  
95 the administration of the newborn screening program required by  
96 this section, rules for processing requests and releasing test  
97 and screening results, and rules requiring mandatory reporting  
98 of screenings and test results for this condition to the  
99 department.

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

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

107 (b) Have the authority to charge and collect fees  
108 sufficient to administer the newborn screening program required  
109 under this section.

110 Section 2. This act shall take effect July 1, 2013.