

1 **NEWBORN SCREENING FOR CRITICAL CONGENITAL**
2 **HEART DEFECTS**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Paul Ray**

6 Senate Sponsor: Ralph Okerlund

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Utah Health Code.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends newborn testing requirements to include pulse oximetry for identification of
14 critical congenital heart defects; and
15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **26-10-6**, as last amended by Laws of Utah 2011, Chapter 366

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **26-10-6** is amended to read:

26 **26-10-6. Testing of newborn infants.**

27 (1) Except in the case where parents object on the grounds that they are members of a



28 specified, well-recognized religious organization whose teachings are contrary to the tests
29 required by this section, each newborn infant shall be tested for:

- 30 (a) phenylketonuria (PKU);
- 31 (b) other metabolic diseases which may result in an intellectual disability or brain
32 damage and for which:

- 33 (i) a preventive measure or treatment is available; and
- 34 (ii) there exists a reliable laboratory diagnostic test method; ~~and~~
- 35 (c) (i) ~~[beginning July 1, 1998,]~~ for an infant born in a hospital with 100 or more live
36 births annually, hearing loss; and
- 37 (ii) ~~[beginning July 1, 1999,]~~ for an infant born in a setting other than a hospital with
38 100 or more live births annually, hearing loss~~[-]; and~~

39 (d) critical congenital heart defects using pulse oximetry.

40 (2) In accordance with Section 26-1-6, the department may charge fees for:

- 41 (a) materials supplied by the department to conduct tests required under Subsection (1);
- 42 (b) tests required under Subsection (1) conducted by the department;
- 43 (c) laboratory analyses by the department of tests conducted under Subsection (1); and
- 44 (d) the administrative cost of follow-up contacts with the parents or guardians of tested
45 infants.

46 (3) Tests for hearing loss under Subsection (1) shall be based on one or more methods
47 approved by the Newborn Hearing Screening Committee, including:

- 48 (a) auditory brainstem response;
- 49 (b) automated auditory brainstem response; and
- 50 (c) evoked otoacoustic emissions.

51 (4) Results of tests for hearing loss under Subsection (1) shall be reported to:

- 52 (a) parents when results of tests for hearing loss under Subsection (1) suggest that
53 additional diagnostic procedures or medical interventions are necessary; and
- 54 (b) the department.

55 (5) (a) There is established the Newborn Hearing Screening Committee.

- 56 (b) The committee shall advise the department on:
 - 57 (i) the validity and cost of newborn infant hearing loss testing procedures; and
 - 58 (ii) rules promulgated by the department to implement this section.

- 59 (c) The committee shall be composed of at least 11 members appointed by the
60 executive director, including:
- 61 (i) one representative of the health insurance industry;
 - 62 (ii) one pediatrician;
 - 63 (iii) one family practitioner;
 - 64 (iv) one ear, nose, and throat specialist nominated by the Utah Medical Association;
 - 65 (v) two audiologists nominated by the Utah Speech-Language-Hearing Association;
 - 66 (vi) one representative of hospital neonatal nurseries;
 - 67 (vii) one representative of the Early Intervention Baby Watch Program administered by
68 the department;
 - 69 (viii) one public health nurse;
 - 70 (ix) one consumer; and
 - 71 (x) the executive director or his designee.
- 72 (d) Of the initial members of the committee, the executive director shall appoint as
73 nearly as possible half to two-year terms and half to four-year terms. Thereafter, appointments
74 shall be for four-year terms except:
- 75 (i) for those members who have been appointed to complete an unexpired term; and
 - 76 (ii) as necessary to ensure that as nearly as possible the terms of half the appointments
77 expire every two years.
- 78 (e) A majority of the members constitute a quorum and a vote of the majority of the
79 members present constitutes an action of the committee.
- 80 (f) The committee shall appoint a chairman from its membership.
- 81 (g) The committee shall meet at least quarterly.
- 82 (h) A member may not receive compensation or benefits for the member's service, but
83 may receive per diem and travel expenses in accordance with:
- 84 (i) Section 63A-3-106;
 - 85 (ii) Section 63A-3-107; and
 - 86 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
87 63A-3-107.
- 88 (i) The department shall provide staff for the committee.

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Office of Legislative Research and General Counsel