

7941

2011-2012 Regular Sessions

I N A S S E M B L Y

May 25, 2011

Introduced by M. of A. CALHOUN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring facilities to perform pulse oximetry screening on newborns

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative intent. Congenital heart defects (CHDs) are
2 structural abnormalities of the heart that are present at birth; CHDs
3 range in severity from simple problems such as holes between chambers of
4 the heart, to severe malformations, such as the complete absence of one
5 or more chambers or valves; some critical CHDs can cause severe and
6 life-threatening symptoms which require intervention within the first
7 days of life.

8 According to the United States Secretary of Health and Human Services'
9 Advisory Committee on Heritable Disorders in Newborns and Children,
10 congenital heart disease affects approximately seven to nine of every
11 1,000 live births in the United States and Europe. The federal Centers
12 for Disease Control and Prevention states that CHD is the leading cause
13 of infant death due to birth defects.

14 Current methods for detecting CHDs generally include prenatal ultra-
15 sound screening and repeated clinical examinations; while prenatal
16 ultrasound screenings can detect some major congenital heart defects,
17 these screenings, alone, identify less than half of all CHD cases, and
18 critical CHD cases are often missed during routine clinical exams
19 performed prior to a newborn's discharge from a birthing facility.

20 Pulse oximetry is a non-invasive test that estimates the percentage of
21 hemoglobin in blood that is saturated with oxygen. When performed on a
22 newborn a minimum of 24 hours after birth, pulse oximetry screening is
23 often more effective at detecting critical, life-threatening CHDs which
24 otherwise go undetected by current screening methods. Newborns with

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 abnormal pulse oximetry results require immediate confirmatory testing
2 and intervention.

3 The legislature finds and declares that many newborn lives could
4 potentially be saved by earlier detection and treatment of CHDs if
5 birthing facilities in the state of New York were required to perform
6 this simple, non-invasive newborn screening in conjunction with current
7 CHD screening methods.

8 S 2. The public health law is amended by adding a new section 2500-k
9 to read as follows:

10 S 2500-K. PULSE OXIMETRY SCREENING OF NEWBORNS. 1. THE COMMISSIONER
11 SHALL ESTABLISH A PROGRAM TO SCREEN NEWBORN INFANTS FOR CONGENITAL HEART
12 DEFECTS THROUGH PULSE OXIMETRY SCREENING. IT SHALL BE THE DUTY OF THE
13 ADMINISTRATIVE OFFICER OR OTHER DESIGNATED PERSON AT EACH FACILITY
14 LICENSED PURSUANT TO ARTICLE TWENTY-EIGHT OF THIS CHAPTER CARING FOR
15 NEWBORN INFANTS TO PERFORM A PULSE OXIMETRY SCREENING A MINIMUM OF TWEN-
16 TY-FOUR HOURS AFTER BIRTH ON EVERY NEWBORN INFANT IN ITS CARE.

17 2. FACILITIES SUBJECT TO THE PROVISIONS OF THIS SECTION THAT ADMINIS-
18 TER A NEWBORN INFANT PULSE OXIMETRY SCREENING FOR CONGENITAL HEART
19 DEFECTS SHALL REPORT TO THE DEPARTMENT IN A MANNER AND FORMAT REQUIRED
20 BY THE COMMISSIONER:

21 (A) THE RESULTS OF EACH NEWBORN INFANT PULSE OXIMETRY SCREENING
22 PERFORMED; AND

23 (B) SUCH OTHER INFORMATION OR DATA AS MAY BE REQUIRED BY THE COMMIS-
24 SIONER PURSUANT TO REGULATION TO FULFILL THE PURPOSES OF THIS SECTION.

25 S 3. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law; provided, however, that effective immediate-
27 ly, the addition, amendment and/or repeal of any rule or regulation
28 necessary for the implementation of this act on its effective date are
29 authorized and directed to be made and completed on or before such
30 effective date.