

2316--B

2013-2014 Regular Sessions

I N A S S E M B L Y

January 14, 2013

Introduced by M. of A. GUNTHER, ZEBROWSKI, CERETTO, McDONOUGH, JAFFEE, SIMOTAS, MILLMAN, TENNEY, MARKEY, MAISEL, LAVINE, STEC, SEPULVEDA, ROBERTS, PAULIN, QUART, BRONSON, STECK, ESPINAL, SKOUFIS, KELLNER, BROOK-KRASNY, GABRYSZAK, ABINANTI, LENTOL, BENEDETTO -- Multi-Sponsored by -- M. of A. ARROYO, AUBRY, BARCLAY, BLANKENBUSH, BRENNAN, BUCHWALD, CLARK, COLTON, COOK, CRESPO, CROUCH, CURRAN, DINOWITZ, DUPREY, FARRELL, FINCH, FITZPATRICK, HEVESI, HOOPER, P. LOPEZ, LUPARDO, LUPINACCI, McDONALD, McLAUGHLIN, MONTESANO, MOSLEY, OAKS, O'DONNELL, PALMESANO, PERRY, RAIA, RIVERA, ROBINSON, RODRIGUEZ, SIMANOWITZ, WALTER -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring facilities to screen newborns for critical congenital heart defects through pulse oximetry screening

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; critical CHDs (CCHDs) are a subset of CHDs
6 that cause severe and life-threatening symptoms which require inter-
7 vention within the first days, weeks or months 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

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

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1 of infant death due to birth defects and that about forty-eight hundred
2 babies born each year have one of seven CCHDs.

3 Current methods for detecting CHDs generally include prenatal ultra-
4 sound screening and repeated clinical examinations; while prenatal
5 ultrasound screenings can detect some major CHDs, these screenings,
6 alone, identify less than half of all CHD cases. CCHD cases are often
7 missed during routine clinical exams performed prior to a newborn's
8 discharge from a birthing facility.

9 Pulse oximetry is a non-invasive test that estimates the percentage of
10 hemoglobin in blood that is saturated with oxygen. When performed on a
11 newborn a minimum of 24 hours after birth, pulse oximetry screening is
12 often more effective at detecting critical, life-threatening CHDs which
13 otherwise go undetected by current screening methods. Newborns with
14 abnormal pulse oximetry results require immediate confirmatory testing
15 and intervention or a referral to an appropriate health care provider
16 for confirmatory testing and follow-up care, based on the recommendation
17 of the treating health care provider.

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

23 S 2. Subdivision (a) of section 2500-a of the public health law, as
24 amended by chapter 863 of the laws of 1986, is amended to read as
25 follows:

26 (a) It shall be the duty of the administrative officer or other person
27 in charge of each institution caring for infants twenty-eight days or
28 less of age and the person required in pursuance of the provisions of
29 section forty-one hundred thirty of this chapter to register the birth
30 of a child, to cause to have administered to every such infant or child
31 in its or his care a test for phenylketonuria, homozygous sickle cell
32 disease, hypothyroidism, branched-chain ketonuria, galactosemia, homo-
33 cystinuria, CRITICAL CONGENITAL HEART DEFECTS THROUGH PULSE OXIMETRY
34 SCREENING, and such other diseases and conditions as may from time to
35 time be designated by the commissioner in accordance with rules or regu-
36 lations prescribed by the commissioner. Testing, the recording of the
37 results of such tests, tracking, follow-up reviews and educational
38 activities shall be performed at such times and in such manner as may be
39 prescribed by the commissioner. The commissioner shall promulgate regu-
40 lations setting forth the manner in which information describing the
41 purposes of the requirements of this section shall be disseminated to
42 parents or a guardian of the infant tested.

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