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Legislative Document

No. 460

H.P. 310

House of Representatives, February 14, 2013

An Act To Protect Newborn Infants by Requiring Birthing Facilities To Screen for Congenital Heart Disease Using Pulse Oximetry

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND Clerk

Presented by Representative BECK of Waterville. Cosponsored by Senator CRAVEN of Androscoggin and Representatives: AYOTTE of Caswell, BERRY of Bowdoinham, Speaker EVES of North Berwick, POULIOT of Augusta, Senator: LACHOWICZ of Kennebec.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- Whereas, according to the United States Department of Health and Human Services'
 Secretary's Advisory Committee on Heritable Disorders in Newborns and Children,
 congenital heart disease affects 7 to 9 of every 1,000 children born in the United States
 and Europe; and
- 7 **Whereas,** the federal Centers for Disease Control and Prevention states that 8 congenital heart disease is the leading cause of infant deaths due to birth defects; and

Whereas, pulse oximetry is a noninvasive test that, when performed on a newborn
24 hours after birth, is often more effective at detecting critical, life-threatening
congenital heart disease than current screening methods; and

- Whereas, many newborn lives could be saved by earlier detection and treatment of
 congenital heart disease if birthing facilities in this State were required to perform a pulse
 oximetry test; and
- 15 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 16 the meaning of the Constitution of Maine and require the following legislation as 17 immediately necessary for the preservation of the public peace, health and safety; now, 18 therefore,
- 19 Be it enacted by the People of the State of Maine as follows:
- 20 Sec. 1. 22 MRSA §1534 is enacted to read:

21 §1534. Pulse oximetry tests on newborns

A birthing facility shall screen each newborn in the care of that birthing facility for
 congenital heart disease using pulse oximetry no sooner than 24 hours following the birth
 of that newborn. The department shall adopt routine technical rules, as defined in Title 5,
 chapter 375, subchapter 2-A, to implement the provisions of this section.

- For purposes of this section, "birthing facility" means an inpatient or ambulatory
 health care facility licensed by the department that provides birthing and newborn care
 services.
- Emergency clause. In view of the emergency cited in the preamble, this
 legislation takes effect when approved.
- 31 SUMMARY
- This bill requires a health care facility that provides birthing and newborn care services and is licensed by the Department of Health and Human Services to perform pulse oximetry to screen for congenital heart disease in a newborn in its care no sooner than 24 hours after the birth of that newborn.