

SENATE No. 1919

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

SENATE, Thursday, November 14, 2013

The committee on Ways and Means, to whom was referred the Senate Bill relative to newborn pulse oximetry screenings for congenital heart defects (Senate, No. 1008),- reports, recommending that the same ought to pass with an amendment substituting a new draft of the same title (Senate, No. 1919).

For the committee,
Stephen M. Brewer

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An Act relative to newborn pulse oximetry screenings for congenital heart defects.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. For the purposes of this act, the following terms shall have the following meanings:-

"Birthing facility", an inpatient or ambulatory health care facility licensed by the department of public health that provides birthing and newborn care services.

"Congenital heart defects screening", the identification of a newborn that may have a congenital heart defect through the use of a physiologic test.

"Pulse oximetry testing", a non-invasive test that estimates the percentage of hemoglobin in blood that is saturated with oxygen.

SECTION 2. Notwithstanding any general or special law to the contrary, the department of public health, in consultation with the perinatal advisory committee, shall develop regulations for a hospital that provides birthing and newborn services or a birthing facility that performs congenital heart defects screenings on all newborns through pulse oximetry testing. The department may approve another test to conduct congenital heart defects screenings; provided,

14 however, that the test shall be, at the discretion of the department, at least as accurate, widely
15 available and cost effective as pulse oximetry testing.

16 These regulations shall consider evidence-based guidance, including, but shall not be
17 limited to, recommended guidance issued by the federal Health and Human Services
18 Discretionary Advisory Committee on Heritable Disorders in Newborns and Children. A
19 screening shall be performed before the newborn infant is discharged from the birthing facility or
20 hospital to the care of the parent or guardian, or as the department may provide by regulation;
21 provided, however, that the screening shall not be performed if the parent or guardian of the
22 newborn infant object to the screening based upon the sincerely held religious beliefs of the
23 parent or guardian.

24 SECTION 3. A hospital that provides birthing and newborn services or a birthing facility
25 shall adopt protocols for screening for congenital heart defects with pulse oximetry or another
26 test approved by the department under section 2 for all newborns prior to discharge, based on the
27 department's regulations, not later than July 1, 2014.

28 SECTION 4. The department shall review the protocols required under section 3 and the
29 implementation of these protocols as part of its hospital licensure and birthing facility licensure
30 review processes.