

JAN 16 2014

S.B. NO. 2194

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## A BILL FOR AN ACT

RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that congenital heart  
2 defects are structural abnormalities of the heart that are  
3 present at birth and are the number one killer of infants with  
4 birth defects. Congenital heart defects range in severity from  
5 simple problems, such as holes between chambers of the heart, to  
6 severe malformations, such as the complete absence of one or  
7 more chambers or valves. Some congenital heart defects can  
8 cause severe or life-threatening symptoms that require  
9 intervention within the first days of life.

10           Pulse oximetry is a non-invasive test that estimates the  
11 percentage of hemoglobin in blood that is saturated with oxygen.  
12 When performed on newborns in birthing facilities, pulse  
13 oximetry is effective at detecting critical, life-threatening  
14 congenital heart defects, which otherwise go undetected by  
15 current screening methods. The legislature finds that many  
16 newborn lives could potentially be saved by earlier detection  
17 and treatment of congenital heart defects if birthing facilities  
18 in the State were required to perform this simple, non-invasive



1 newborn screening in conjunction with current congenital heart  
2 disease screening methods.

3 The purpose of this Act is to require birthing facilities  
4 to perform a pulse oximetry screening on every newborn in its  
5 care prior to discharge.

6 SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9 "§321- Newborn pulse oximetry screening. (a) The  
10 department of health shall require each birthing facility to  
11 perform a critical congenital heart defect screening using pulse  
12 oximetry on every newborn in its care prior to discharge from  
13 the birthing facility.

14 (b) The person in charge of each institution caring for  
15 newborn infants and the responsible physician attending the  
16 birth of a newborn, or the person assisting the birth of a child  
17 not attended by a physician, shall ensure that every infant in  
18 the person's care be tested for congenital heart defects through  
19 pulse oximetry screening; provided that this section shall not  
20 apply if the parents, guardians, or other persons having custody  
21 or control of the child object thereto on the grounds that the



1 tests conflict with their religious tenets and beliefs and  
2 written objection is made a part of the infant's medical record.

3 (c) The department of health shall adopt rules, pursuant  
4 to chapter 91, as necessary to effectuate the purposes of this  
5 section, including but not limited to rules regarding:

6 (1) Administration of newborn critical congenital heart  
7 defect screening using pulse oximetry;

8 (2) Quality and cost control of critical congenital heart  
9 defect screening using pulse oximetry;

10 (4) Reporting of test results;

11 (5) Guidelines for care, treatment, and follow up of  
12 infants when necessary;

13 (6) Informing parents about the purposes of these tests;  
14 and

15 (7) Maintaining the confidentiality of affected families.

16 (d) For the purposes of the section, "birthing facility"  
17 means an inpatient or ambulatory health care facility licensed  
18 by the department of health that provides birthing and newborn  
19 care services."

20 SECTION 3. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ or so  
22 much thereof as may be necessary for fiscal year 2014-2015 for a



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1 program for newborn critical congenital heart defect screening  
2 using pulse oximetry.

3 The sum appropriated shall be expended by the department of  
4 health for the purposes of this Act.

5 SECTION 4. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2014.

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INTRODUCED BY:

Mike Gabbard



# S.B. NO. 2194

**Report Title:**

Pulse Oximetry Screening; Congenital Heart Defects; Birthing Facilities; Newborns; Appropriation

**Description:**

Requires birthing facilities to perform a critical congenital heart defect screening using pulse oximetry on every newborn in its care prior to discharge from the facility, with certain exceptions. Requires the department of health to adopt rules pursuant to chapter 91 regarding newborn critical congenital heart defect screening using pulse oximetry. Makes an appropriation.

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