

ACT 212

H.B. NO. 467

A Bill for an Act Relating to Health.

Be It Enacted by the Legislature of the State of Hawaii:

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

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

The purpose of this Act is to require birthing facilities to perform a pulse oximetry test or other medically accepted test that measures the percentage of blood oxygen saturation.

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

“§321- Newborn pulse oximetry screening. (a) Prior to discharge of any newborn in its care, a birthing facility shall perform on the newborn a pulse oximetry test for critical congenital heart defects or other medically accepted test that measures the percentage of blood oxygen saturation, as approved by the guidelines of the American Academy of Pediatrics.

(b) Subsection (a) shall not apply if the parents, guardians, or other persons having custody or control of the newborn object to performance of the test required by subsection (a) on the grounds that the test conflicts with their religious tenets and beliefs and written objection is made a part of the newborn’s medical record.

(c) Each birthing facility shall report critical congenital heart defect screening data to the department of health for quality assurance and improvement activities. At a minimum, the data shall include:

- (1) Newborns screened and not screened;
- (2) The timing of screening after birth;
- (3) Pulse oximetry results;
- (4) The outcomes of newborns who fail pulse oximetry screening; and
- (5) Infants who are detected with a critical congenital heart defect and who pass pulse oximetry screening.

(d) For the purposes of this section, “birthing facility” means an inpatient or ambulatory health care facility licensed by the department of health that provides birthing and newborn care services.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2015.

(Approved July 2, 2015.)

Note

1. Edited pursuant to HRS §23G-16.5.