

State of Arizona  
House of Representatives  
Fifty-first Legislature  
Second Regular Session  
2014

# HOUSE BILL 2491

AN ACT

AMENDING SECTION 36-694, ARIZONA REVISED STATUTES; RELATING TO THE NEWBORN SCREENING PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-694, Arizona Revised Statutes, is amended to  
3 read:

4 36-694. Report of blood tests; newborn screening program;  
5 committee; fee; definitions

6 A. When a birth or stillbirth is reported, the attending physician or  
7 other person required to make a report of the birth shall state on the  
8 certificate whether a blood test for syphilis was made on a specimen of blood  
9 taken from the woman who bore the child or from the umbilical cord at  
10 delivery, as required by section 36-693, and the approximate date when the  
11 specimen was taken.

12 B. When a birth is reported the attending physician or person who is  
13 required to make a report on the birth shall order or cause to be ordered  
14 tests for certain congenital disorders, **INCLUDING HEARING DISORDERS**. The  
15 results of tests for these disorders must be reported to the department of  
16 health services. The department of health services shall specify in rule the  
17 disorders, the process for collecting and submitting specimens and the  
18 reporting requirements for test results.

19 C. When a hearing test is performed on a newborn, the initial hearing  
20 test results and any subsequent hearing test results must be reported to the  
21 department of health services as prescribed by department rules.

22 D. The director of the department of health services shall establish a  
23 newborn screening program within the department to ensure that the testing  
24 for congenital disorders and the reporting of hearing test results required  
25 by this section are conducted in an effective and efficient manner. The  
26 newborn screening program shall include an education program for the general  
27 public, the medical community, parents and professional groups. The director  
28 shall designate the state laboratory as the only testing facility for the  
29 program, **EXCEPT THAT THE DIRECTOR MAY DESIGNATE OTHER LABORATORY TESTING**  
30 **FACILITIES FOR CONDITIONS OR TESTS ADDED TO THE NEWBORN SCREENING PROGRAM ON**  
31 **OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION.**

32 E. The newborn screening program shall establish and maintain a  
33 central database of newborns and infants who are tested for hearing loss and  
34 congenital disorders that includes information required in rule. Test  
35 results are confidential subject to the disclosure provisions of sections  
36 12-2801 and 12-2802.

37 F. If tests conducted pursuant to this section indicate that a newborn  
38 or infant may have a hearing loss or a congenital disorder, the screening  
39 program shall provide follow-up services to encourage the child's family to  
40 access evaluation services, specialty care and early intervention services.

41 G. The director shall establish a committee to provide recommendations  
42 and advice to the department on at least an annual basis regarding tests that  
43 the committee believes should be included in the newborn screening program.

1 Any recommendation by the committee that a test be added to the newborn  
2 screening program shall be accompanied by a cost-benefit analysis.

3 H. The committee shall include the following members who are appointed  
4 by the director and who serve without compensation or reimbursement of  
5 expenses at the pleasure of the director:

6 1. Seven physicians who are licensed pursuant to title 32, chapter 13  
7 or 17 and who represent the medical specialties of endocrinology, pediatrics,  
8 neonatology, family practice, otology and obstetrics.

9 2. A neonatal nurse practitioner who is licensed and certified  
10 pursuant to title 32, chapter 15.

11 3. An audiologist who is licensed pursuant to chapter 17, article 4 of  
12 this title.

13 4. A representative of an agency that provides services under part C  
14 of the individuals with disabilities education act.

15 5. At least one parent of a child with a hearing loss or a congenital  
16 disorder.

17 6. A representative from the insurance industry familiar with health  
18 care reimbursement issues.

19 7. The director of the Arizona health care cost containment system  
20 administration or the director's designee.

21 8. A representative of the hospital or health care industry.

22 I. The director may establish by rule a fee that the department may  
23 collect for operation of the newborn screening program, including contracting  
24 for the testing pursuant to this section. The fee for the first specimen and  
25 hearing test shall not exceed thirty dollars.

26 J. For the purposes of this section:

27 1. "Infant" means a child who is twenty-nine days of age to two years  
28 of age.

29 2. "Newborn" means a child who is not more than twenty-eight days of  
30 age.

31 Sec. 2. Department of health services; newborn screening  
32 program; rulemaking; exemption

33 A. On or before July 1, 2015, the department of health services shall  
34 adopt rules regarding the newborn screening program that require the  
35 physician or person who is required to make a report on the birth to order or  
36 cause to be ordered critical congenital heart defect screening using pulse  
37 oximetry on each newborn delivered before discharging the newborn and to  
38 report the results of the critical congenital heart defect screening to the  
39 department of health services as specified in rule.

40 B. The department of health services may adopt rules regarding adding  
41 severe combined immunodeficiency testing and krabbe disease testing to the  
42 newborn screening program established pursuant to section 36-694, Arizona  
43 Revised Statutes, as amended by this act. The department shall perform and

1 consider a cost benefit analysis and seek stakeholder input, including input  
2 from health care providers, in the development of these rules.

3 C. For the purposes of implementing this act, the department of health  
4 services is exempt from the rulemaking requirements of title 41, chapter 6,  
5 Arizona Revised Statutes, through July 1, 2015, except that the department  
6 shall provide public notice and an opportunity for public comment on proposed  
7 rules at least thirty days before a rule is adopted or amended.