

1 **H. B. 4327**

2
3 (By Delegates Hatfield, D. Poling, Brown
4 and Staggers)

5 [Introduced January 27, 2012; referred to the
6 Committee on Health and Human Resources then the Judiciary.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new article, designated §16-44-1 and
12 §16-44-2, all relating to requiring pulse oximetry testing for
13 newborns.

14 *Be it enacted by the Legislature of West Virginia:*

15 That the Code of West Virginia, 1931, as amended, be amended
16 by adding thereto a new article, designated §16-44-1 and §16-44-2,
17 all to read as follows:

18 **ARTICLE 44. THE PULSE OXIMETRY NEWBORN TESTING ACT.**

19 **§16-44-1. Legislative findings.**

20 The Legislature finds and declares that:

21 (1) Congenital heart defects are structural abnormalities of
22 the heart that are present at birth; congenital heart defects range
23 in severity from simple problems such as holes between chambers of

1 the heart, to severe malformations, such as the complete absence of
2 one or more chambers or valves; some critical congenital heart
3 defects can cause severe and life-threatening symptoms which
4 require intervention within the first days of life;

5 (2) According to the United States Secretary of Health and
6 Human Services' Advisory Committee on Heritable Disorders in
7 Newborns and Children, congenital heart disease affects
8 approximately seven to nine of every thousand live births in the
9 United States and Europe; the federal Centers for Disease Control
10 and Prevention states that congenital heart defects are the leading
11 cause of infant death due to birth defects;

12 (3) Current methods for detecting congenital heart defects
13 generally include prenatal ultrasound screening and repeated
14 clinical examinations; while prenatal ultrasound screenings can
15 detect some major congenital heart defects, these screenings,
16 alone, identify less than half of all congenital heart defect
17 cases, and critical congenital heart defect cases are often missed
18 during routine clinical exams performed prior to a newborn's
19 discharge from a birthing facility;

20 (4) Pulse oximetry is a noninvasive test that estimates the
21 percentage of hemoglobin in blood that is saturated with oxygen;
22 when performed on a newborn a minimum of twenty-four hours after
23 birth, pulse oximetry screening is often more effective at
24 detecting critical, life-threatening congenital heart defects which

1 otherwise go undetected by current screening methods; newborns with
2 abnormal pulse oximetry results require immediate confirmatory
3 testing and intervention; and

4 (5) Many newborn lives could potentially be saved by earlier
5 detection and treatment of congenital heart defects if birthing
6 facilities in the state were required to perform this simple,
7 noninvasive newborn screening in conjunction with current
8 congenital heart defect screening methods.

9 **§16-44-2. Pulse oximetry screening required; definition; rules.**

10 (a) The Commissioner of the Bureau for Public Health shall
11 require each birthing facility licensed by the Department of Health
12 and Human Resources to perform a pulse oximetry screening on every
13 newborn in its care, a minimum of twenty-four hours after birth.

14 (b) As used in this article, "birthing facility" means an
15 inpatient or ambulatory health care facility licensed by the
16 Department of Health and Human Resources that provides birthing and
17 newborn care services.

18 (c) The commissioner shall adopt procedural rules and propose
19 legislative rules for legislative approval, in accordance with the
20 provisions of article three, chapter twenty-nine-a of this code,
21 that are necessary to carry out the purposes of this article.

NOTE: The purpose of this bill is to require each birthing facility licensed by the Department of Health and Human Resources to perform a pulse oximetry screening for congenital birth defects

on every newborn in its care, a minimum of 24 hours after birth.

This article is new; therefore, it has been completely underscored.