

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0698.01 Kristen Forrestal x4217

HOUSE BILL 15-1281

HOUSE SPONSORSHIP

Primavera,

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING NEWBORN CONGENITAL HEART DEFECT SCREENING
102 THROUGH THE USE OF PULSE OXIMETRY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

The bill requires all newborns born in a birthing center that is below an elevation of 7,000 feet to be screened for congenital health defects using pulse oximetry prior to the infant leaving the health facility. The state board of health is required to promulgate rules for pulse oximetry at birthing centers at or above 7,000 feet when the board receives confirmation of appropriate calibration of pulse oximetry

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

instruments. The bill requires each birthing facility to report the results of the screening to the department of public health and environment and allows the state board of health to promulgate rules.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Congenital heart defects are structural abnormalities of the
5 heart that are present at birth;

6 (b) Congenital heart defects range in severity from simple
7 problems, such as holes between chambers of the heart, to severe
8 malformations, such as the complete absence of one or more chambers or
9 valves;

10 (c) Some critical congenital heart defects can cause severe and
11 life-threatening symptoms, which require intervention within the first
12 days of life;

13 (d) Critical congenital heart defects are the number one killer of
14 infants with birth defects;

15 (e) According to the United States secretary of health and human
16 services' discretionary advisory committee on heritable disorders in
17 newborns and children, critical congenital heart disease affects
18 approximately 7 to 9 of every 1,000 live births in the United States and
19 Europe;

20 (f) Hospital costs for all individuals with congenital heart disease
21 can total \$2.6 billion per year;

22 (g) Current methods for detecting critical congenital heart defects
23 generally include prenatal ultrasound screening. These screenings alone
24 identify less than half of all cases. Critical congenital heart defect cases

1 are often missed during routine clinical exams performed prior to a
2 newborn's discharge from a birthing facility, but repeated clinical
3 examinations can identify many affected newborns.

4 (h) Pulse oximetry is a noninvasive test that estimates the
5 percentage of hemoglobin in blood that is saturated with oxygen and,
6 when performed on newborns in delivery centers, is effective at detecting
7 critical, life-threatening congenital heart defects that otherwise go
8 undetected by current screening methods; and

9 (i) Newborns with abnormal pulse oximetry results require
10 immediate confirmatory testing and intervention. Many newborn lives
11 could potentially be saved by earlier detection and treatment of critical
12 congenital heart defects if birthing facilities in Colorado were required to
13 perform this simple, noninvasive newborn screening in conjunction with
14 current critical congenital heart disease screening methods.

15 (2) Therefore, it is the intent of the general assembly to require
16 that birthing facilities perform critical congenital heart defect screening
17 using pulse oximetry.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 25-4-1004.3 as
19 follows:

20 **25-4-1004.3. Newborn heart defect screening - pulse oximetry**
21 **- rules.** (1) (a) ON AND AFTER JANUARY 1, 2016, A BIRTHING FACILITY
22 THAT IS BELOW SEVEN THOUSAND FEET OF ELEVATION SHALL TEST ALL
23 INFANTS BORN IN THE HEALTH FACILITY FOR CRITICAL CONGENITAL HEART
24 DEFECTS USING PULSE OXIMETRY.

25 (b) UPON RECEIPT OF THE CONFIRMATION OF APPROPRIATE
26 CALIBRATION OF PULSE OXIMETRY INSTRUMENTS FOR USE AT OR ABOVE
27 SEVEN THOUSAND FEET OF ELEVATION, THE STATE BOARD OF HEALTH

1 SHALL PROMULGATE RULES FOR PULSE OXIMETRY TESTING FOR HOSPITALS
2 AT OR ABOVE SEVEN THOUSAND FEET ELEVATION TO ENSURE ALL
3 NEWBORNS BORN IN BIRTHING CENTERS ARE SCREENED FOR CRITICAL
4 CONGENITAL HEART DEFECTS USING PULSE OXIMETRY.

5 (c) THE CRITICAL CONGENITAL HEART DEFECT SCREENING USING
6 PULSE OXIMETRY MUST BE PERFORMED ON EVERY NEWBORN PRIOR TO THE
7 NEWBORN'S RELEASE FROM THE HEALTH FACILITY.

8 (2) EACH BIRTHING FACILITY SHALL REPORT THE RESULTS OF THE
9 PULSE OXIMETRY SCREENINGS TO THE DEPARTMENT OF PUBLIC HEALTH
10 AND ENVIRONMENT. THE STATE BOARD OF HEALTH MAY PROMULGATE
11 RULES FOR THE IMPLEMENTATION OF THIS SECTION.

12 (3) AS USED IN THIS SECTION, A "BIRTHING FACILITY" MEANS AN
13 INPATIENT OR AMBULATORY HEALTH FACILITY THAT IS LICENSED
14 PURSUANT TO SECTION 25-1.5-103 AND THAT PROVIDES BIRTHING AND
15 NEWBORN CARE SERVICES.

16 **SECTION 3. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly
19 (August 5, 2015, if adjournment sine die is on May 6, 2015); except that,
20 if a referendum petition is filed pursuant to section 1 (3) of article V of
21 the state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2016 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.