

By: Crownover, Luna, et al.

H.B. No. 790

Substitute the following for H.B. No. 790:

By: Laubenberg

C.S.H.B. No. 790

A BILL TO BE ENTITLED

AN ACT

relating to the conduct of newborn screening by the Department of State Health Services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 33, Health and Safety Code, is amended to read as follows:

CHAPTER 33. PHENYLKETONURIA, OTHER HERITABLE DISEASES, ~~AND~~  
HYPOTHYROIDISM, AND CERTAIN OTHER DISORDERS

SECTION 2. Subchapter A, Chapter 33, Health and Safety Code, is amended by adding Section 33.004 to read as follows:

Sec. 33.004. STUDY ON NEWBORN SCREENING METHODOLOGY AND EQUIPMENT. (a) Not later than March 1, 2006, the department shall:

(1) conduct a study to determine the most cost-effective method of conducting newborn screening, including screening for disorders listed in the core uniform panel of newborn screening conditions recommended in the 2005 report by the American College of Medical Genetics entitled "Newborn Screening: Toward a Uniform Screening Panel and System" or another report determined by the department to provide more appropriate newborn screening guidelines, to protect the health and welfare of this state's newborns and to maximize the number of newborn screenings that may be conducted with the funding available for the screening; and

(2) obtain proposals or information regarding the conduct of newborn screening and compare the costs of the

1 department performing newborn screening services to the costs of  
2 outsourcing screening to a qualified laboratory with at least two  
3 years' experience performing newborn screening tests.

4 (b) In performing the department's duties under Subsection  
5 (a), the department shall consult with:

6 (1) a physician licensed to practice medicine in this  
7 state who is a clinical geneticist;

8 (2) a physician licensed to practice medicine in this  
9 state who practices family medicine;

10 (3) a physician licensed to practice medicine in this  
11 state who is a pediatrician;

12 (4) a representative of a hospital in this state;

13 (5) a representative of a nonprofit organization  
14 devoted to preventing birth defects and infant mortality; and

15 (6) a parent of a child diagnosed with a genetic malady  
16 or disorder.

17 (c) If the department determines under Subsection (a) that  
18 the department's performance of newborn screening services is more  
19 cost-effective than outsourcing newborn screening, the department  
20 shall obtain the use of screening methodologies, including tandem  
21 mass spectrometers, and hire the employees necessary to administer  
22 newborn screening under this chapter.

23 (d) If the department determines under Subsection (a) that  
24 outsourcing of newborn screening is more cost-effective, the  
25 department shall contract for the resources and services necessary  
26 to conduct newborn screening using a competitive procurement  
27 process.

1       (e) The department shall periodically review the newborn  
2 screening program as revised under this section to determine the  
3 efficacy and cost-effectiveness of the program and determine  
4 whether adjustments to the program are necessary to protect the  
5 health and welfare of this state's newborns and to maximize the  
6 number of newborn screenings that may be conducted with the funding  
7 available for the screening.

8       (f) The department may adjust the amounts charged for  
9 newborn screening fees, including fees assessed for follow-up  
10 services, tracking confirmatory testing, and diagnosis.

11       SECTION 3. Section 33.011, Health and Safety Code, is  
12 amended by amending Subsection (a) and adding Subsection (a-1) to  
13 read as follows:

14       (a) The physician attending a newborn child or the person  
15 attending the delivery of a newborn child that is not attended by a  
16 physician shall subject the child to screening tests approved by  
17 the department for phenylketonuria, other heritable diseases,  
18 [~~and~~] hypothyroidism, and other disorders for which screening is  
19 required by the department.

20       (a-1) To the extent funding is available for the screening,  
21 the department shall require newborn screening tests to screen for  
22 disorders listed in the core uniform panel of newborn screening  
23 conditions recommended in the 2005 report by the American College  
24 of Medical Genetics entitled "Newborn Screening: Toward a Uniform  
25 Screening Panel and System" or another report determined by the  
26 department to provide more appropriate newborn screening  
27 guidelines to protect the health and welfare of this state's

1 newborns.

2 SECTION 4. Section 33.014(a), Health and Safety Code, is  
3 amended to read as follows:

4 (a) If, because of an analysis of a specimen submitted under  
5 Section 33.011, the department reasonably suspects that a newborn  
6 child may have phenylketonuria, another heritable disease, [~~or~~]  
7 hypothyroidism, or another disorder for which the screening tests  
8 are required, the department shall notify the person who submits  
9 the specimen that the results are abnormal and provide the test  
10 results to that person. The department may notify one or more of  
11 the following that the results of the analysis are abnormal and  
12 recommend [~~that~~] further testing when [~~is~~] necessary:

13 (1) the physician attending the newborn child or the  
14 physician's designee;

15 (2) the person attending the delivery of the newborn  
16 child that was not attended by a physician;

17 (3) the parents of the newborn child;

18 (4) the health authority of the jurisdiction in which  
19 the newborn child was born or in which the child resides, if known;  
20 or

21 (5) physicians who are cooperating pediatric  
22 specialists for the program.

23 SECTION 5. Section 33.031(a), Health and Safety Code, is  
24 amended to read as follows:

25 (a) All newborn children and other individuals under 21  
26 years of age who have been screened, have been found to be  
27 presumptively positive through the newborn screening program for

1 phenylketonuria, other heritable diseases, hypothyroidism, or  
2 another disorder for which the screening tests are required, and  
3 may be financially eligible may be referred to the department's  
4 services program for children with special health care needs.

5 SECTION 6. Section 33.032(a), Health and Safety Code, is  
6 amended to read as follows:

7 (a) Within the limits of funds available for this purpose  
8 and in cooperation with the individual's physician, the department  
9 may provide services directly or through approved providers to  
10 individuals of any age who meet the eligibility criteria specified  
11 by board rules on the confirmation of a positive test for  
12 phenylketonuria, other heritable diseases, [~~or~~] hypothyroidism, or  
13 another disorder for which the screening tests are required.

14 SECTION 7. Not later than November 1, 2006, the Department  
15 of State Health Services shall implement the expanded newborn  
16 screening program using the most cost-effective methods as  
17 determined by the department under Section 33.004, Health and  
18 Safety Code, as added by this Act.

19 SECTION 8. This Act takes effect September 1, 2005.