

By: West

S.B. No. 1092

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the screening of newborns for sickle-cell trait and
3 other disorders by the Department of State Health Services.

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

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

7 CHAPTER 33. PHENYLKETONURIA, OTHER HERITABLE DISEASES,
8 HYPOTHYROIDISM, AND CERTAIN OTHER DISORDERS OR TRAITS

9 SECTION 2. Sections 33.002(a) and (c), Health and Safety
10 Code, are amended to read as follows:

11 (a) The department shall carry out a program to combat
12 morbidity, including mental retardation, and mortality in persons
13 who have phenylketonuria, other heritable diseases, other
14 disorders for which screening is required by the department,
15 sickle-cell trait, or hypothyroidism.

16 (c) The department shall establish and maintain a
17 laboratory to:

18 (1) conduct experiments, projects, and other
19 activities necessary to develop screening or diagnostic tests for
20 the early detection of phenylketonuria, other heritable diseases,
21 other disorders for which screening is required by the department,
22 sickle-cell trait, and hypothyroidism;

23 (2) develop ways and means or discover methods to be
24 used to prevent or treat phenylketonuria, other heritable diseases,

1 other disorders for which screening is required by the department,
2 sickle-cell trait, and hypothyroidism; and

3 (3) serve other purposes considered necessary by the
4 department to carry out the program.

5 SECTION 3. Section 33.011(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) The physician attending a newborn child or the person
8 attending the delivery of a newborn child that is not attended by a
9 physician shall subject the child to screening tests approved by
10 the department for phenylketonuria, other heritable diseases,
11 hypothyroidism, sickle-cell trait, and other disorders for which
12 screening is required by the department.

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

15 (a) If, because of an analysis of a specimen submitted under
16 Section 33.011, the department reasonably suspects that a newborn
17 child may have phenylketonuria, another heritable disease,
18 hypothyroidism, sickle-cell trait, or another disorder for which
19 the screening tests are required, the department shall notify the
20 person who submits the specimen that the results are abnormal and
21 provide the test results to that person. The department may notify
22 one or more of the following that the results of the analysis are
23 abnormal and recommend further testing when necessary:

24 (1) the physician attending the newborn child or the
25 physician's designee;

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

- 1 (3) the parents of the newborn child;
- 2 (4) the health authority of the jurisdiction in which
- 3 the newborn child was born or in which the child resides, if known;
- 4 or
- 5 (5) physicians who are cooperating pediatric
- 6 specialists for the program.

7 SECTION 5. Section 33.031(a), Health and Safety Code, is

8 amended to read as follows:

9 (a) All newborn children and other individuals under 21

10 years of age who have been screened, have been found to be

11 presumptively positive through the newborn screening program for

12 phenylketonuria, other heritable diseases, hypothyroidism,

13 sickle-cell trait, or another disorder for which the screening

14 tests are required, and may be financially eligible may be referred

15 to the department's services program for children with special

16 health care needs.

17 SECTION 6. Section 33.032(a), Health and Safety Code, is

18 amended to read as follows:

19 (a) Within the limits of funds available for this purpose

20 and in cooperation with the individual's physician, the department

21 may provide services directly or through approved providers to

22 individuals of any age who meet the eligibility criteria specified

23 by board rules on the confirmation of a positive test for

24 phenylketonuria, other heritable diseases, hypothyroidism,

25 sickle-cell trait, or another disorder for which the screening

26 tests are required.

27 SECTION 7. As soon as practicable after the effective date

S.B. No. 1092

1 of this Act, the Department of State Health Services shall
2 implement the changes in law made by this Act to the newborn
3 screening program under Chapter 33, Health and Safety Code.

4 SECTION 8. This Act takes effect September 1, 2009.