

By: Thompson of Harris

H.B. No. 392

A BILL TO BE ENTITLED

AN ACT

relating to newborn screening for congenital heart defects.

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,  
HYPOTHYROIDISM, CONGENITAL HEART DEFECTS, AND CERTAIN OTHER  
DISORDERS

SECTION 2. Section 33.001, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Congenital heart defect" means an abnormality in the structure and function of the heart that exists at birth.

(1-a) "Heritable disease" means an inherited disease that may result in mental or physical retardation or death.

SECTION 3. Sections 33.002(a) and (c), Health and Safety Code, are amended to read as follows:

(a) The department shall carry out a program to combat morbidity, including mental retardation, and mortality in persons who have phenylketonuria, other heritable diseases, [~~or~~] hypothyroidism, or congenital heart defects.

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

(1) conduct experiments, projects, and other

1 activities necessary to develop screening or diagnostic tests for  
2 the early detection of phenylketonuria, other heritable diseases,  
3 ~~and~~ hypothyroidism, and congenital heart defects;

4 (2) develop ways and means or discover methods to be  
5 used to prevent or treat phenylketonuria, other heritable diseases,  
6 ~~and~~ hypothyroidism, and congenital heart defects; and

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

9 SECTION 4. Sections 33.011(a) and (c), Health and Safety  
10 Code, are amended to read as follows:

11 (a) The physician attending a newborn child or the person  
12 attending the delivery of a newborn child that is not attended by a  
13 physician shall subject the child to:

14 (1) screening tests approved by the department for  
15 phenylketonuria, other heritable diseases, hypothyroidism, and  
16 other disorders for which screening is required by the department;  
17 and

18 (2) a pulse oximetry screening test for congenital  
19 heart defects.

20 (c) Except for the pulse oximetry screening test required by  
21 Subsection (a)(2), the ~~The~~ screening tests required by this  
22 section must be performed by the laboratory established by the  
23 department or by a laboratory approved by the department under  
24 Section 33.016.

25 SECTION 5. Section 33.014(a), Health and Safety Code, is  
26 amended to read as follows:

27 (a) If, because of an analysis of a specimen submitted under

1 Section 33.011, the department reasonably suspects that a newborn  
2 child may have phenylketonuria, another heritable disease,  
3 hypothyroidism, or another disorder for which the screening tests  
4 are required, the department shall notify the person who submits  
5 the specimen that the results are abnormal and provide the test  
6 results to that person. The department may notify one or more of  
7 the following that the results of the analysis or of a screening  
8 test reported to the department under Section 33.015 are abnormal  
9 and recommend further testing when necessary:

10 (1) the physician attending the newborn child or the  
11 physician's designee;

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

14 (3) the parents of the newborn child;

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

17 or

18 (5) physicians who are cooperating pediatric  
19 specialists for the program.

20 SECTION 6. Section 33.031(a), Health and Safety Code, is  
21 amended to read as follows:

22 (a) All newborn children and other individuals under 21  
23 years of age who have been screened, have been found to be  
24 presumptively positive through the newborn screening program for  
25 phenylketonuria, other heritable diseases, hypothyroidism,  
26 congenital heart defects, or another disorder for which the  
27 screening tests are required, and may be financially eligible may

1 be referred to the department's services program for children with  
2 special health care needs.

3 SECTION 7. Section 33.032(a), Health and Safety Code, is  
4 amended to read as follows:

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

13 SECTION 8. As soon as practicable after the effective date  
14 of this Act, the Department of State Health Services shall  
15 implement the changes in law made by this Act to the newborn  
16 screening program under Chapter 33, Health and Safety Code.

17 SECTION 9. This Act takes effect September 1, 2013.