

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2802

AN ACT

AMENDING SECTION 36-694, ARIZONA REVISED STATUTES; RELATING TO MATERNAL AND CHILD HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-694, Arizona Revised Statutes, is amended to
3 read:

4 36-694. Report of blood tests; newborn screening program;
5 committee; fee; definitions

6 A. When a birth or stillbirth is reported, the attending physician or
7 other person required to make a report of the birth shall state on the
8 certificate whether a blood test for syphilis was made on a specimen of blood
9 taken from the woman who bore the child or from the umbilical cord at
10 delivery, as required by section 36-693, and the approximate date when the
11 specimen was taken.

12 B. When a birth is reported the attending physician or person who is
13 required to make a report on the birth shall order or cause to be ordered
14 tests for certain congenital disorders. The results of tests for these
15 disorders must be reported to the department of health services. The
16 department of health services shall specify in rule the disorders, the
17 process for collecting and submitting specimens and THE reporting
18 requirements for test results.

19 C. When a hearing test is performed on a newborn, the initial hearing
20 test results and any subsequent hearing test results must be reported to the
21 department of health services as prescribed by department rules.

22 D. The director of the department of health services shall establish a
23 newborn screening program within the department to ~~assure~~ ENSURE that the
24 testing for congenital disorders and the reporting of hearing test results
25 required by this section are conducted in an effective and efficient manner.
26 The newborn screening program shall include an education program for the
27 general public, the medical community, parents and professional groups. THE
28 DIRECTOR SHALL DESIGNATE THE STATE LABORATORY AS THE ONLY TESTING FACILITY
29 FOR THE PROGRAM.

30 E. The newborn screening program shall establish and maintain a
31 central database of newborns and infants who are tested for hearing loss and
32 congenital disorders that includes information required in rule. TEST
33 RESULTS ARE CONFIDENTIAL SUBJECT TO THE DISCLOSURE PROVISIONS OF SECTIONS
34 12-2801 AND 12-2802.

35 F. If tests conducted pursuant to this section indicate that a
36 newborn or infant may have a hearing loss or a congenital disorder, the
37 screening program shall provide follow-up services to encourage the child's
38 family to access evaluation services, specialty care and early intervention
39 services.

40 G. The director shall establish a committee to provide recommendations
41 and advice to the department on at least an annual basis regarding tests that
42 the committee believes should be included in the newborn screening program.
43 Any recommendation by the committee that a test be added to the newborn
44 screening program shall be accompanied by a cost-benefit analysis.

1 H. The committee shall include the following members who are appointed
2 by the director and who serve without compensation or reimbursement of
3 expenses at the pleasure of the director:

4 1. Seven physicians who are licensed pursuant to title 32, chapter 13
5 or 17 and who represent the medical specialties of endocrinology, pediatrics,
6 neonatology, family practice, otology and obstetrics.

7 2. A neonatal nurse practitioner who is licensed and certified
8 pursuant to title 32, chapter 15.

9 3. An audiologist who is licensed pursuant to chapter 17, article 4 of
10 this title.

11 4. A representative of an agency that provides services under part C
12 of the individuals with disabilities education act.

13 5. At least one parent of a child with a hearing loss or a congenital
14 disorder.

15 6. A representative from the insurance industry familiar with health
16 care reimbursement issues.

17 7. The director of the Arizona health care cost containment system or
18 the director's designee.

19 8. A representative of the hospital or health care industry.

20 ~~I. The department of health services shall prepare and issue a~~
21 ~~solicitation including a proposed contract format, at least once every four~~
22 ~~years, to contract for the testing of congenital disorders. The procurement~~
23 ~~shall comply with title 41, chapter 23, with the following exceptions:~~

24 ~~1. The contracts for these services are exempt from section 41-2511,~~
25 ~~subsection B.~~

26 ~~2. Proposals may be accepted from hospitals, clinical laboratories~~
27 ~~licensed pursuant to chapter 4.1, article 2, of this title, the state~~
28 ~~laboratory described in section 36-251, and any other qualified public or~~
29 ~~private persons.~~

30 ~~3. The department of health services may negotiate price reductions in~~
31 ~~eligible proposals if offerors are given an equal opportunity to negotiate~~
32 ~~and negotiations are confidential in accordance with section 41-2534,~~
33 ~~subsection F.~~

34 ~~I.~~ I. The director may establish by rule a fee that the department
35 may collect for operation of the newborn screening program, including
36 contracting for the testing pursuant to this section. The fee for the first
37 specimen and hearing test shall not exceed thirty dollars. The fee for the
38 second specimen and hearing test shall not exceed forty dollars.

39 ~~K.~~ J. For the purposes of this section:

40 1. "Infant" means a child who is twenty-nine days of age to two years
41 of age.

42 2. "Newborn" means a child who is not more than twenty-eight days of
43 age.