

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2491

AN ACT

AMENDING SECTION 36-694, ARIZONA REVISED STATUTES; RELATING TO 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, INCLUDING HEARING DISORDERS. The
15 results of tests for these disorders must be reported to the department of
16 health services. The department of health services shall specify in rule the
17 disorders, the process for collecting and submitting specimens and the
18 reporting 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 ensure that the testing
24 for congenital disorders and the reporting of hearing test results required
25 by this section are conducted in an effective and efficient manner. The
26 newborn screening program shall include an education program for the general
27 public, the medical community, parents and professional groups. The director
28 shall designate the state laboratory as the only testing facility for the
29 program, EXCEPT THAT THE DIRECTOR MAY DESIGNATE OTHER LABORATORY TESTING
30 FACILITIES FOR CONDITIONS OR TESTS ADDED TO THE NEWBORN SCREENING PROGRAM ON
31 OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION. IF THE
32 DIRECTOR DESIGNATES ANOTHER LABORATORY TESTING FACILITY FOR ANY CONDITION OR
33 TEST, THE DIRECTOR SHALL REQUIRE THE FACILITY TO FOLLOW ALL OF THE PRIVACY
34 AND SAMPLE DESTRUCTION TIMEFRAMES THAT ARE REQUIRED OF THE STATE LABORATORY.

35 E. The newborn screening program shall establish and maintain a
36 central database of newborns and infants who are tested for hearing loss and
37 congenital disorders that includes information required in rule. Test
38 results are confidential subject to the disclosure provisions of sections
39 12-2801 and 12-2802.

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

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

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

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

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

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

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

18 5. At least one parent of a child with a hearing loss or a congenital
19 disorder.

20 6. A representative from the insurance industry familiar with health
21 care reimbursement issues.

22 7. The director of the Arizona health care cost containment system
23 administration or the director's designee.

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

25 I. The director may establish by rule a fee that the department may
26 collect for operation of the newborn screening program, including contracting
27 for the testing pursuant to this section. The fee for the first specimen and
28 hearing test shall not exceed thirty dollars.

29 J. For the purposes of this section:

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

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

34 Sec. 2. Department of health services; newborn screening
35 program; rulemaking; exemption

36 A. On or before July 1, 2015, the department of health services shall
37 adopt rules regarding the newborn screening program that require the
38 physician or person who is required to make a report on the birth to order or
39 cause to be ordered critical congenital heart defect screening using pulse
40 oximetry on each newborn delivered before discharging the newborn and to
41 report the results of the critical congenital heart defect screening to the
42 department of health services as specified in rule.

43 B. The department of health services may adopt rules regarding adding
44 severe combined immunodeficiency testing and krabbe disease testing to the

1 newborn screening program established pursuant to section 36-694, Arizona
2 Revised Statutes, as amended by this act. The department shall perform and
3 consider a cost benefit analysis and seek stakeholder input, including input
4 from health care providers, in the development of these rules.

5 C. For the purposes of implementing this act, the department of health
6 services is exempt from the rulemaking requirements of title 41, chapter 6,
7 Arizona Revised Statutes, through July 1, 2015, except that the department
8 shall provide public notice and an opportunity for public comment on proposed
9 rules at least thirty days before a rule is adopted or amended.

10 Sec. 3. Department of health services; vaccine financing and
11 availability advisory committee; report

12 A. The department of health services shall establish a vaccine
13 financing and availability advisory committee to study the financing and
14 availability of vaccines for newborns, children and adolescents.

15 B. The director of the department of health services shall serve as
16 chairperson of the committee and shall appoint the following members:

17 1. Two members who are representatives of different health care
18 insurers that are licensed pursuant to title 20, Arizona Revised Statutes,
19 and that offer products in the commercial market that include coverage for
20 newborn, childhood and adolescent vaccines.

21 2. Three health professionals who are licensed pursuant to title 32,
22 Arizona Revised Statutes, whose current practice includes administering
23 newborn or childhood and adolescent vaccines as follows:

24 (a) A physician who is licensed pursuant to title 32, chapter 13 or
25 17, Arizona Revised Statutes and who specializes in pediatrics.

26 (b) A physician who is licensed pursuant to title 32, chapter 13 or
27 17, Arizona Revised Statutes and who specializes in family medicine.

28 (c) A nurse practitioner who is licensed and certified pursuant to
29 title 32, chapter 15, Arizona Revised Statutes.

30 3. Two directors of local health departments one of whom shall be from
31 a county having a population of at least three million persons.

32 4. One member who is a representative of an Arizona nonprofit
33 statewide coalition whose mission is to foster a comprehensive, sustained
34 community program for the immunization of residents of this state against
35 vaccine-preventable diseases.

36 5. One member who is a representative of a vaccine manufacturer or a
37 national association of vaccine manufacturers and who has experience in
38 vaccine policy.

39 6. One member who is a representative of a statewide association of
40 pharmacists.

41 7. One member who is a representative of an Arizona company that is
42 not a health care insurer or a self-insured employer and that offers its
43 employees a health insurance product in the commercial market that includes
44 coverage for newborn, childhood and adolescent vaccines.

1 C. The directors of the Arizona health care cost containment system
2 administration and the department of insurance, or their designees, shall
3 serve as nonvoting members of the committee.

4 D. Committee members are not eligible to receive compensation or
5 reimbursement of expenses.

6 E. The committee shall develop recommendations regarding the following
7 and submit a written report of its findings on or before December 15, 2014,
8 to the governor, the president of the senate and the speaker of the house of
9 representatives and shall provide a copy of this report to the secretary of
10 state:

11 1. The existing system of the financing, storage, distribution and
12 availability of newborn, childhood and adolescent vaccine products and the
13 potential impacts on the health care system, taxpayers and the community at
14 large.

15 2. The costs associated with, and the adequacy of reimbursement levels
16 for newborn, childhood and adolescent vaccines administered by private and
17 public providers in all counties in this state.

18 3. The vaccine financing, storage, distribution and reimbursement
19 models utilized in other states.

20 F. To the extent possible, the committee shall include and consider
21 any estimated costs or cost savings to state and local governments associated
22 with the committee's recommendations.

23 G. The committee may:

24 1. Request information, data and reports from any state agency,
25 political subdivision or other persons or businesses involved in the public
26 or private financing or administration of newborn, childhood or adolescent
27 vaccines.

28 2. Hold hearings and take testimony from affected persons, including
29 members of the public.

30 H. The committee shall maintain documents in a manner that preserves
31 the confidentiality of confidential business information that may be
32 disclosed to the committee during the course of its business.

33 I. This section is repealed from and after December 31, 2015.