

**SENATE . . . . . No. 1919**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Thirteen**  
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An Act relative to newborn pulse oximetry screenings for congenital heart defects.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. For the purposes of this act, the following terms shall have the following  
2 meanings:-

3           "Birthing facility", an inpatient or ambulatory health care facility licensed by the  
4 department of public health that provides birthing and newborn care services.

5           "Congenital heart defects screening", the identification of a newborn that may have a  
6 congenital heart defect through the use of a physiologic test.

7           "Pulse oximetry testing", a non-invasive test that estimates the percentage of hemoglobin  
8 in blood that is saturated with oxygen.

9           SECTION 2. Notwithstanding any general or special law to the contrary, the department  
10 of public health, in consultation with the perinatal advisory committee, shall develop regulations  
11 for a hospital that provides birthing and newborn services or a birthing facility that performs  
12 congenital heart defects screenings on all newborns through pulse oximetry testing. The  
13 department may approve another test to conduct congenital heart defects screenings; provided,  
14 however, that the test shall be, at the discretion of the department, at least as accurate, widely  
15 available and cost effective as pulse oximetry testing.

16           These regulations shall consider evidence-based guidance, including, but shall not be  
17 limited to, recommended guidance issued by the federal Health and Human Services  
18 Discretionary Advisory Committee on Heritable Disorders in Newborns and Children. A  
19 screening shall be performed before the newborn infant is discharged from the birthing facility or  
20 hospital to the care of the parent or guardian, or as the department may provide by regulation;  
21 provided, however, that the screening shall not be performed if the parent or guardian of the

22 newborn infant object to the screening based upon the sincerely held religious beliefs of the  
23 parent or guardian.

24           SECTION 3. A hospital that provides birthing and newborn services or a birthing facility  
25 shall adopt protocols for screening for congenital heart defects with pulse oximetry or another  
26 test approved by the department under section 2 for all newborns prior to discharge, based on the  
27 department's regulations, not later than July 1, 2014.

28           SECTION 4. The department shall review the protocols required under section 3 and the  
29 implementation of these protocols as part of its hospital licensure and birthing facility licensure  
30 review processes.