

1 ENGROSSED SENATE  
2 BILL NO. 1645

By: Anderson and Johnson  
(Constance) of the Senate

3 and

4 Jackson of the House

5  
6  
7 [ public health and safety - collection of  
8 information on birth defects - codification -  
9 effective date ]

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11

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-550.2, is  
14 amended to read as follows:

15 Section 1-550.2 A. It is hereby found that the occurrence of a  
16 birth defect is a tragedy for the child, the family and the  
17 community, and a matter of vital concern to the public health. It  
18 is hereby also found that the occurrence of severe neonatal  
19 hyperbilirubinemia is a tragedy and a matter of vital concern to  
20 public health. According to the Centers for Disease Control and  
21 Prevention, about sixty percent (60%) of all newborns have jaundice.  
22 When severe jaundice goes untreated for too long, the newborn can  
23 develop severe neonatal hyperbilirubinemia, a condition which, if  
24 untreated, can lead to cerebral palsy, mental retardation, hearing

1 loss, and complications with vision and teeth. A system to obtain  
2 more information about these conditions could result in their  
3 prevention, treatment and management. Therefore, it is the intent  
4 of the Oklahoma State Legislature, in enacting this section, to:

5 1. Obtain information on the incidence and trends of birth  
6 defects and, poor reproductive outcomes, and severe neonatal  
7 hyperbilirubinemia;

8 2. Obtain information to determine whether environmental  
9 hazards are associated with birth defects and, poor reproductive  
10 outcomes, and severe neonatal hyperbilirubinemia;

11 3. Obtain information as to other possible causes of birth  
12 defects and, poor reproductive outcomes, and severe neonatal  
13 hyperbilirubinemia; and

14 4. Develop prevention strategies for reducing the incidence of  
15 birth defects, and poor reproductive outcomes, and severe neonatal  
16 hyperbilirubinemia.

17 B. The State Commissioner of Health may establish a system for  
18 the collection and verification of information concerning birth  
19 defects and, other poor reproductive outcomes and severe neonatal  
20 hyperbilirubinemia. In establishing the system, the Commissioner  
21 may require general acute care hospitals to maintain a list of  
22 patients up to six (6) years of age who have been diagnosed with  
23 birth defects or severe neonatal hyperbilirubinemia incorporated  
24 within the ICD-9-CM diagnostic code categories 740 through 759.9 or

1 such other information as the Commissioner deems appropriate, and  
2 all women discharged with a diagnosis of stillbirth or miscarriage.  
3 The list shall be made available to the Commissioner upon request  
4 and shall be used solely for purposes provided in this section.

5 C. The Commissioner may require general acute care hospitals,  
6 and other sources as deemed necessary, to make available to the  
7 State Department of Health the medical records of those patients who  
8 have been diagnosed with birth defects ~~or,~~ poor reproductive  
9 outcomes or severe neonatal hyperbilirubinemia as required in this  
10 section.

11 D. The system shall be implemented statewide.

12 E. The Commissioner may use the information collected pursuant  
13 to subsection B of this section and information available from other  
14 reporting systems and health providers to conduct studies to:

15 1. Investigate the causes of birth defects ~~and,~~ poor  
16 reproductive outcomes and severe neonatal hyperbilirubinemia;

17 2. Determine and evaluate measures designed to prevent their  
18 occurrences; and

19 3. Where possible, ensure delivery of services for children  
20 identified with birth defects and severe neonatal  
21 hyperbilirubinemia. The Department's investigation of poor  
22 reproductive outcomes shall include geographic, time-related or  
23 occupational associations, as well as investigations of past  
24 exposure to potentially harmful substances.

1 F. The Commissioner may appoint an advisory committee of health  
2 professionals who shall advise on the implementation of this  
3 section. Advisory committee members shall serve without  
4 compensation.

5 G. If the Commissioner finds it is necessary to collect  
6 information from sources other than general acute care hospitals,  
7 the Commissioner shall first submit for approval to the advisory  
8 committee a proposal stating the need for such information.

9 H. All information collected and analyzed pursuant to this  
10 section shall be confidential insofar as the identity of the  
11 individual patient is concerned and shall be used solely for the  
12 purpose provided in this section. Access to such information shall  
13 be limited to the State Department of Health, provided that the  
14 Commissioner may provide access to those scientists approved by the  
15 advisory committee who are engaged in demographic, epidemiological  
16 or other similar studies related to health, and who agree, in  
17 writing as nonstate employees, to be identified and coded while  
18 maintaining confidentiality as described herein.

19 I. The Department shall maintain an accurate record of all  
20 persons who are given access to the information in the system. The  
21 record shall include:

- 22 1. The name of the persons authorizing access;
- 23 2. The name, title and organizational affiliation of persons  
24 given access;

1 3. The dates of access;

2 4. The specific purpose for which the information is to be  
3 used; and

4 5. The results of the independent research.

5 J. Nothing in this section shall prohibit the publishing of  
6 statistical compilations relating to birth defects ~~or~~, poor  
7 reproductive outcomes or severe neonatal hyperbilirubinemia which do  
8 not in any way identify individual cases or individual sources of  
9 information.

10 K. Any person who, in violation of a written agreement to  
11 maintain confidentiality, willfully discloses any information  
12 provided pursuant to this section shall be denied further access to  
13 any confidential information maintained by the Department. That  
14 person shall also be deemed guilty of a misdemeanor, and upon  
15 conviction thereof shall be punished by a fine of Two Hundred  
16 Dollars (\$200.00) or imprisonment in the county jail for not more  
17 than thirty (30) days, or by both such fine and imprisonment.

18 L. The State Board of Health is authorized to adopt, amend and  
19 repeal rules and regulations for the purpose of carrying out the  
20 provisions of this section.

21 SECTION 2. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1-545.1 of Title 63, unless  
23 there is created a duplication in numbering, reads as follows:

