

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 908

By: Anderson

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6 AS INTRODUCED

7 An Act relating to public health; amending 63 O.S.
8 2011, Section 1-550.2, which relates to the
9 collection of information on birth defects; providing
10 finding; modifying intent; authorizing the State
11 Commissioner of Health to collect information on
12 severe neonatal hyperbilirubinemia; authorizing
13 Commissioner to require certain entities to provide
14 specified medical records; authorizing Commissioner
15 to use certain information to conduct studies related
16 to severe neonatal hyperbilirubinemia; permitting the
17 publication of certain information related to severe
18 neonatal hyperbilirubinemia; requiring infants to be
19 tested for severe neonatal hyperbilirubinemia;
20 directing the State Board of Health to promulgate
21 rules; directing the Commissioner to develop certain
22 procedures and guidelines related to severe neonatal
23 hyperbilirubinemia; providing for codification; and
24 providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-550.2, is
amended to read as follows:

Section 1-550.2. A. It is hereby found that the occurrence of
a birth defect is a tragedy for the child, the family, and the
community, and a matter of vital concern to the public health. It
is hereby also found that the occurrence of severe neonatal

1 hyperbilirubinemia is a tragedy and a matter of vital concern to
2 public health. According to the Centers for Disease Control and
3 Prevention, about sixty percent (60%) of all newborns have jaundice.
4 When severe jaundice goes untreated for too long, the newborn can
5 develop severe neonatal hyperbilirubinemia, a condition which, if
6 untreated, can lead to cerebral palsy, mental retardation, hearing
7 loss, and complications with vision and teeth. A system to obtain
8 more information about these conditions could result in their
9 prevention, treatment and management. Therefore, it is the intent
10 of the Oklahoma State Legislature, in enacting this section, to:

11 1. Obtain information on the incidence and trends of birth
12 defects and, poor reproductive outcomes, and severe neonatal
13 hyperbilirubinemia;

14 2. Obtain information to determine whether environmental
15 hazards are associated with birth defects and, poor reproductive
16 outcomes, and severe neonatal hyperbilirubinemia;

17 3. Obtain information as to other possible causes of birth
18 defects and, poor reproductive outcomes, and severe neonatal
19 hyperbilirubinemia; and

20 4. Develop prevention strategies for reducing the incidence of
21 birth defects, and, poor reproductive outcomes, and severe neonatal
22 hyperbilirubinemia.

23 B. The State Commissioner of Health may establish a system for
24 the collection and verification of information concerning birth

1 defects ~~and~~, other poor reproductive outcomes and severe neonatal
2 hyperbilirubinemia. In establishing the system, the Commissioner
3 may require general acute care hospitals to maintain a list of
4 patients up to six (6) years of age who have been diagnosed with
5 birth defects or severe neonatal hyperbilirubinemia incorporated
6 within the ICD-9-CM diagnostic code categories 740 through 759.9 or
7 such other information as the Commissioner deems appropriate, and
8 all women discharged with a diagnosis of stillbirth or miscarriage.
9 The list shall be made available to the Commissioner upon request
10 and shall be used solely for purposes provided in this section.

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

17 D. The system shall be implemented statewide.

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

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

23 2. Determine and evaluate measures designed to prevent their
24 occurrences; and

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

7 F. The Commissioner may appoint an advisory committee of health
8 professionals who shall advise on the implementation of this
9 section. Advisory committee members shall serve without
10 compensation.

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

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

1 I. The Department shall maintain an accurate record of all
2 persons who are given access to the information in the system. The
3 record shall include:

4 1. The name of the persons authorizing access;

5 2. The name, title and organizational affiliation of persons
6 given access;

7 3. The dates of access;

8 4. The specific purpose for which the information is to be
9 used; and

10 5. The results of the independent research.

11 J. Nothing in this section shall prohibit the publishing of
12 statistical compilations relating to birth defects ~~or~~, poor
13 reproductive outcomes or severe neonatal hyperbilirubinemia which do
14 not in any way identify individual cases or individual sources of
15 information.

16 K. Any person who, in violation of a written agreement to
17 maintain confidentiality, willfully discloses any information
18 provided pursuant to this section shall be denied further access to
19 any confidential information maintained by the Department. That
20 person shall also be deemed guilty of a misdemeanor, and upon
21 conviction thereof shall be punished by a fine of Two Hundred
22 Dollars (\$200.00) or imprisonment in the county jail for not more
23 than thirty (30) days, or by both such fine and imprisonment.
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1 L. The State Board of Health is authorized to adopt, amend and
2 repeal rules and regulations for the purpose of carrying out the
3 provisions of this section.

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

7 A. Every infant born in this state shall be tested for severe
8 neonatal hyperbilirubinemia prior to discharge from the facility
9 where the infant was born. A physician or other qualified licensed
10 health care professional shall administer such test in accordance
11 with accepted medical practices and in the manner prescribed by the
12 State Board of Health. If an infant requires emergency transfer to
13 another facility for neonatal care, such testing shall be
14 administered by the receiving facility prior to discharge of the
15 infant.

16 B. The State Board of Health shall promulgate rules as
17 necessary to implement the provisions of this act. The State
18 Commissioner of Health shall develop procedures and guidelines for
19 screening for the detection of severe neonatal hyperbilirubinemia.

20 SECTION 3. This act shall become effective November 1, 2016.

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