

Bill as Introduced

HB 1164 - AS INTRODUCED

2010 SESSION

10-2343

01/05

HOUSE BILL

1164

AN ACT relative to newborn screening tests.

SPONSORS: Rep. Millham, Belk 5

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill deletes the requirement that the department of health and human services enter into a contract competitively bid and approved by the governor and council for the moneys from the newborn screening fund.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to newborn screening tests.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Newborn Screening. Amend RSA 132:10-a, II and III to read as follows:

2 II. Notwithstanding any provision of law to the contrary, the commissioner of the
3 department of health and human services shall establish fees, pursuant to RSA 541-A, to be paid by
4 hospitals for the tests required under paragraph I. All such fees shall be paid into the newborn
5 screening fund, hereby established in the state treasury. Moneys from the newborn screening fund
6 established under this section shall be nonlapsing and shall be continually appropriated for use by
7 the department to cover laboratory analysis and related newborn screening program costs [~~under a~~
8 ~~contract competitively bid and approved by governor and council~~].

9 III. The department of health and human services shall establish a newborn screening
10 advisory committee which shall include a member of the oversight committee on health and human
11 services, established in RSA 126-A:13, and representation from health care subspecialties, as
12 determined by the department. [~~Any proposals for recommending new tests or fees shall require a~~
13 ~~public hearing to be held on the proposal by the newborn screening advisory committee.~~]

14 2 Effective Date. This act shall take effect July 1, 2010.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON HB 1164

BILL TITLE: relative to newborn screening tests.

DATE: January 27, 2010

LOB ROOM: 205 Time Public Hearing Called to Order: 11:15 AM

Time Adjourned: 12:00 NOON

(please circle if present)

Committee Members: Reps. Rosenwald, Donovan, French, Schulze, Tilton, Butcher, Bridgham, E. Merrick, T. Russell, DiPentima, Miller, Batula, C. McMahon, Pilliod, Emerson, Case, Millham, Wells, Cebrowski and Kotowski.

Bill Sponsors: Rep. Millham, Belk 5

TESTIMONY

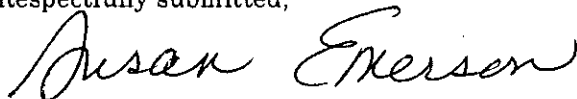
* Use asterisk if written testimony and/or amendments are submitted.

***Representative Alida Millham, prime sponsor – supports.** See written testimony. Lab analysis is paid by the hospital. Fees established by Rules.

***Nisa Bujno, NHDHHS – supports.** See written testimony. This bill was requested by HHS. Often in the 1st week of life things are discovered. RSA 132:10 line 6 goes into fund. (Mail filter papers to UMASS Lab. Line 7 other cost. Increase fees by \$10.00 per test. \$900 to \$14,000 to the hospital – depending on the number of births. Healthy outcomes for newborns. The insurance company does pay for this. For a parent to opt out they must sign a form. Now the fee just covers the filter paper which is \$50 per filter sheet. Tests are time sensitive. Returned by the courier – hospital staff is the biggest cost. The department to respond better to this helps HHS and the hospital respond to newborn illnesses. JLCAR is involved with this.

1. Not allowed to have public hearings when they want to change the rules.
2. To use the money for things the labs charge for. The baby would die before they were diagnosed. Repeated hospitalizations. One lab in PA and one in MA. Only six across the country. Can still make recommendations to the HHS Committee on what things should be tested. There are two mediocre programs in New England.

Respectfully submitted,



Representative Susan Emerson, Acting Clerk

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON HB 1164

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Time Public Hearing Called to Order: 11:15

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Bill Sponsors: Rep. Millham, Belk 5

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

* Rep. Millham - written

Lab analysis - pd. by hospitals -
Fees established by Rules -

*
Lisa Buyno.

HHS requested -

Often in the 1st WK of life things are discovered
RSA-132.10. Line 6 goes into fund. (Mail filter papers to
lab - & other program expenses) hire & other cost.
Increase fees by 10.⁰⁰ per test. 900.⁰⁰ to 14,000 to
Hosp - depending on # of births. Healthy Out Comes
for New Berns. Ins. Co. does pay for this. For a
parent to op-out they must sign a form. Now
the FEE just covers the filter paper. 50.⁰⁰ per filter
paper fee - Test on Time Sincitine. Returned by
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is involved with this.

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- ② to use the \$ for things the labes charge for.

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Testimony

Testimony
Health and Human Services and Elderly Affairs
HB 1164
1/27/2010

Good morning, I am Alida Millham, Representative from Belknap District #5.

I wish to introduce, to the committee, HB 1164, relative to Newborn Screening Tests.

This bill is submitted at the request of the Department of Health and Human Services.

First, Newborn Screening (under RSA 132:10-a has been on the books for many years and was instituted as a preventive, public health program to detect, diagnose and treat medical disorders that can be averted early in a baby's life. In 2008 there were 13,592 infants screened which represents 99.7% of all births.

The law requires that all infants born in NH be screened for a panel of 32 disorders. I add that there is a clause which allows parents or guardians to refuse screening.

Currently the law requires DHHS to establish fees for this screening which are paid by hospitals into the newborn screening fund. Currently only the lab analysis is paid through these fees and a mix of federal and general funds pay for other program costs. **The intent of this legislation is three fold:**

- 1. To amend the law to allow for self funding of other program costs through an increase in the fee.**
- 2. The intent is for the contract to still go through the Governor and Council process.**
- 3. To delete the line requiring a public hearing by the newborn screening advisory committee. The Department already holds two separate public hearings on the same issue under RSA 541-A Rulemaking when they want additional tests and fees.**



Nicholas A. Toumpas
Commissioner

José Thier Montero
Director

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH SERVICES

29 HAZEN DRIVE, CONCORD, NH 03301-6504
603-271-4593 1-800-852-3345 Ext. 4593
Fax: 603-271-4827 TDD Access: 1-800-735-2964

House Health Human Services and Elderly Affairs Committee
HB 1164, Relative to Newborn Screening Tests
Testimony
January 27, 2010

- Good morning Chair Rosenwald and members of the Committee. My name is Lisa Bujno. I am the Bureau Chief for Community Health Services. I am here today to speak in support of HB 1164, relative to Newborn Screening Tests. The Division of Public Health Services requested this bill and I would like to thank Representative Millham for sponsoring this legislation on our behalf.
- First I'd like to provide some background on the Newborn Screening Program. Newborn screening is a preventive, public health program aimed at identifying newborns with medical disorders for which early detection, diagnosis, and treatment can prevent disability and death. Every year, approximately four million infants are screened in the United States. In 2008, New Hampshire screened 13,592 infants, which represented 99.7% of all births.
- Many of these disorders require identification before clinical symptoms present, often by one week of age, in order to intervene before serious health consequences occur. Simple interventions, such as dietary restrictions, can often prevent these consequences. Because newborn screening is a very technical subspecialty of pediatrics, we depend heavily on experts for input and advice on program direction.
- RSA 132:10-a requires that all infants born in New Hampshire be screened at birth for a panel of 32 disorders, as determined by the State. This statute includes a clause, 132:10-c, which allows parents or guardians to refuse this screening if they so desire.
- Now I'd like to explain HB 1164. RSA 132:10a currently requires the Department to establish fees for newborn screening, which are paid by hospitals into the newborn screening fund. The RSA states, "Moneys from the newborn screening fund shall be non-lapsing and shall be continually appropriated for use by the department to cover laboratory analysis and related newborn screening program costs *under a contract competitively bid and approved by governor and council.*" Currently, only the laboratory analysis is paid through these fees and a mix of Federal and General funds pay for other program costs. The Department is requesting an amendment to this part of the statute in order to allow for self-funding of other program costs through an increase in the fee.

- I would like to point out that the analysis section of HB 1164 is misleading. It states that the bill “deletes the requirement that the department of health and human services enter into a contract competitively bid and approved by the governor and council for the moneys from the newborn screening fund.” The intent of the legislation is still to have any applicable program contract go through the Governor and Council process, but to allow the fund to be used for non-contractual program costs. Increasing the fee by about \$10 per test would allow self-funding of the program, including salary and benefits for 1.5 FTE.
- The Department has been asked over the last few years to identify areas where fees could cover some general fund costs. For newborn screening, this makes sense. Our program activities focus on assuring that hospital staff appropriately screen, that hospital labs and physicians appropriately follow up on results, and that babies access the care and treatment they need. These activities assure healthier outcomes for affected babies and also reduce risk for hospitals.
- The Department is also proposing to delete the line “Any proposals for recommending new tests or fees shall require a public hearing to be held on the proposal by the newborn screening advisory committee,” in section III of RSA 132:10-a. This currently requires the Department to hold two separate public hearing on the same issue, as we are required to have a public hearing under RSA 541:A when we pursue rulemaking on additional tests and fees. Deleting the reference that requires the program to hold a second public hearing will allow the Division to use scarce staff resources more efficiently.
- Thank you for this opportunity to testify. I would be happy to answer any questions you may have at this time.

Voting Sheets

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 1164

BILL TITLE: relative to newborn screening tests.

DATE: February 2, 2010

LOB ROOM: 205

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: (OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. A. Millham

Seconded by Rep. S. Butcher

Vote: 19-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 19-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Susan Emerson, Acting Clerk



HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 1164

BILL TITLE: relative to newborn screening tests.

DATE: 2/2/2010

LOB ROOM: 205

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. MILLNAM

Seconded by Rep. BUTCHER

Vote: 19-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Joan H. Schulze, Clerk

Joan H. Schulze

Consent

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

Bill #: HB 1164 Title: relative to newborn screening tests.PH Date: 1/27/2010Exec Session Date: 2/2/2010Motion: OTP

Amendment #: _____

MEMBER	YEAS	NAYS
Rosenwald, Cindy, Chairman	19	
Donovan, Thomas E, V Chairman	1	
French, Barbara C	2	
Schulze, Joan H, Clerk		
Tilton, Joy K	3	
Butcher, Suzanne S	4	
Bridgham, Robert G	5	
Merrick, Evalyn S	6	
Russell, Trinkia T	7	
DiPentima, Rich T	8	
Miller, Kate W	9	
Batula, Peter L	10	
McMahon, Charles E	11	
Pilliod, James P	12	
Emerson, Susan	13	
Case, Frank G	14	
Millham, Alida I	15	
Wells, Roger G	16	
Cebrowski, John W	17	
Kotowski, Frank R	18	
TOTAL VOTE:	19	0

Committee Report

CONSENT CALENDAR

February 10, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on HEALTH, HUMAN SERVICES &
ELDERLY AFFAIRS to which was referred HB1164,**

**AN ACT relative to newborn screening tests. Having
considered the same, report the same with the
recommendation that the bill OUGHT TO PASS.**

Rep. Alida I Millham

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS
Bill Number:	HB1164
Title:	relative to newborn screening tests.
Date:	February 2, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

Newborn screening has been in law since 1965 as a preventive public health program to detect, diagnose and treat medical disorders that can be averted early in a baby's life. The current law requires the fees charged for these tests be used only to pay for laboratory fees. This legislation, at the request of the department of health and human services, would allow the fee to be used to cover other program-related costs. Another change would eliminate a public hearing by the newborn screening advisory committee since the Department already provides hearings under the rulemaking process. It should be noted that all contracts for this program will still be going before the Governor and Council.

Vote 19-0.

Rep. Alida I Millham
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

HB1164, relative to newborn screening tests. **OUGHT TO PASS.**

Rep. Alida I Millham for HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS. Newborn screening has been in law since 1965 as a preventive public health program to detect, diagnose and treat medical disorders that can be averted early in a baby's life. The current law requires the fees charged for these tests be used only to pay for laboratory fees. This legislation, at the request of the department of health and human services, would allow the fee to be used to cover other program-related costs. Another change would eliminate a public hearing by the newborn screening advisory committee since the Department already provides hearings under the rulemaking process. It should be noted that all contracts for this program will still be going before the Governor and Council.

Vote 19-0.

Original: House Clerk

Cc: Committee Bill File

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A handwritten signature in black ink, appearing to be the initials 'CP' followed by a horizontal line.

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CR

COMMITTEE REPORT

COMMITTEE: HHS+E

BILL NUMBER: HB 1164

TITLE: Relative to newborn screening tests

DATE: 2.2.2010 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

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COMMITTEE VOTE: 19-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Alida Millman
For the Committee

CK

public hearing by the newborn
screening advisory committee since
the Department already provides
hearings under the rulemaking process.

It should be noted that all
contracts for this program will still
be going before Governor and Council.
~~The committee unanimously supports OTP~~

OTP

19-0

Aida Melham