

SUBSTITUTE FOR
SENATE BILL NO. 794

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 5430 and 5432.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5430. (1) THE NEWBORN SCREENING QUALITY ASSURANCE
2 ADVISORY COMMITTEE IS CREATED IN THE DEPARTMENT. THE NEWBORN
3 SCREENING QUALITY ASSURANCE ADVISORY COMMITTEE SHALL CONSIST OF 10
4 MEMBERS AND BE APPOINTED BY THE DEPARTMENT AS FOLLOWS:

5 (A) ONE INDIVIDUAL REPRESENTING A MICHIGAN NONPROFIT HEALTH
6 CARE CORPORATION.

7 (B) ONE INDIVIDUAL REPRESENTING THE MICHIGAN HEALTH AND
8 HOSPITAL ASSOCIATION.

9 (C) ONE INDIVIDUAL REPRESENTING THE MICHIGAN STATE MEDICAL

1 SOCIETY.

2 (D) ONE INDIVIDUAL REPRESENTING THE MICHIGAN OSTEOPATHIC
3 ASSOCIATION.

4 (E) ONE INDIVIDUAL REPRESENTING THE DEPARTMENT'S MEDICAL
5 SERVICES ADMINISTRATION.

6 (F) ONE INDIVIDUAL REPRESENTING THE DEPARTMENT'S PUBLIC HEALTH
7 ADMINISTRATION.

8 (G) ONE INDIVIDUAL WHO IS A NEONATOLOGIST WITH EXPERIENCE AND
9 BACKGROUND IN NEWBORN SCREENING.

10 (H) ONE INDIVIDUAL REPRESENTING HEALTH MAINTENANCE
11 ORGANIZATIONS.

12 (I) TWO INDIVIDUALS REPRESENTING THE GENERAL PUBLIC.

13 (2) THE NEWBORN SCREENING QUALITY ASSURANCE ADVISORY COMMITTEE
14 SHALL MEET ANNUALLY TO REVIEW THE LIST OF NEWBORN SCREENING TESTS
15 REQUIRED UNDER SECTION 5431 AND UNDER DEPARTMENT RULES,
16 REGULATIONS, AND GUIDELINES. THE NEWBORN SCREENING QUALITY
17 ASSURANCE ADVISORY COMMITTEE SHALL, ON AN ANNUAL BASIS, SUBMIT A
18 WRITTEN REPORT TO THE DEPARTMENT REGARDING THE APPROPRIATENESS OF
19 THE EXISTING LIST OF REQUIRED NEWBORN SCREENING TESTS. THE NEWBORN
20 SCREENING QUALITY ASSURANCE ADVISORY COMMITTEE SHALL ALSO INCLUDE
21 IN THE REPORT RECOMMENDATIONS TO REVISE THE LIST TO INCLUDE
22 ADDITIONAL NEWBORN SCREENING TESTS THAT ARE NATIONALLY RECOGNIZED
23 IN THE SCIENTIFIC LITERATURE OR NATIONAL STANDARDS FOR CONDITIONS
24 THAT CAN BE AMELIORATED OR TREATED IF IDENTIFIED BY A NEWBORN
25 SCREENING TEST AND TO REMOVE CERTAIN TESTS THAT ARE NO LONGER
26 SUPPORTED IN THE SCIENTIFIC LITERATURE OR NATIONAL STANDARD AS
27 BEING EFFECTIVE FOR AMELIORATING OR TREATING CONDITIONS THAT CAN BE

1 IDENTIFIED BY NEWBORN SCREENING.

2 (3) THE NEWBORN SCREENING QUALITY ASSURANCE ADVISORY COMMITTEE
3 SHALL CONDUCT A FINANCIAL REVIEW OF ANY RECOMMENDED CHANGES TO THE
4 LIST OF NEWBORN SCREENING TESTS AND SHALL INCLUDE IN THE WRITTEN
5 REPORT REQUIRED UNDER SUBSECTION (2) A RECOMMENDATION FOR THE
6 INCREASE OR DECREASE IN THE AMOUNT CHARGED PURSUANT TO SECTION 5431
7 FOR NEWBORN SCREENING TESTS. THE RECOMMENDED CHANGE SHALL NOT
8 EXCEED ANY NET CHANGE IN THE AMOUNT OF THE ACTUAL COST OF ANY
9 PROPOSED ADDITIONAL TESTS AND FOLLOW-UP MINUS SAVINGS FROM ANY
10 PROPOSED DELETED TESTS AND FOLLOW-UP.

11 (4) WITHIN 30 DAYS AFTER THE DEPARTMENT HAS RECEIVED THE
12 REPORT REQUIRED UNDER SUBSECTION (2), THE DEPARTMENT MAY APPROVE OR
13 REJECT THE RECOMMENDATIONS OF THE NEWBORN SCREENING QUALITY
14 ASSURANCE ADVISORY COMMITTEE. IF THE DEPARTMENT DOES NOT REJECT THE
15 RECOMMENDATIONS OR FAILS TO ACT WITHIN THE 30 DAYS, THEN THE
16 RECOMMENDATIONS SHALL BE FORWARDED TO THE STANDING COMMITTEES IN
17 THE SENATE AND HOUSE OF REPRESENTATIVES THAT CONSIDER ISSUES
18 PERTAINING TO PUBLIC HEALTH FOR APPROVAL.

19 (5) WITHIN 45 DAYS AFTER THE RECOMMENDATIONS ARE FORWARDED AND
20 RECEIVED, THE LEGISLATURE SHALL APPROVE OR REJECT THOSE
21 RECOMMENDATIONS WITHOUT AMENDMENT BY CONCURRENT RESOLUTION ADOPTED
22 BY BOTH STANDING COMMITTEES OF THE SENATE AND HOUSE OF
23 REPRESENTATIVES THAT CONSIDER ISSUES PERTAINING TO PUBLIC HEALTH
24 AND BOTH HOUSES OF THE LEGISLATURE BY RECORDED VOTE. IF THE
25 PROPOSED RECOMMENDATIONS ARE NOT SUBMITTED ON A LEGISLATIVE SESSION
26 DAY, THE 45 DAYS COMMENCE ON THE FIRST LEGISLATIVE SESSION DAY
27 AFTER THE RECOMMENDATIONS ARE SUBMITTED. THE 45 DAYS SHALL INCLUDE

1 NOT LESS THAN 9 LEGISLATIVE SESSION DAYS. IF THE RECOMMENDATIONS
2 ARE NOT REJECTED WITHIN THE 45-DAY PERIOD, THE RECOMMENDATIONS
3 SHALL BE CONSIDERED APPROVED, SHALL BE ADOPTED BY THE DEPARTMENT,
4 AND SHALL TAKE EFFECT 6 MONTHS AFTER THE RECOMMENDATIONS ARE
5 ADOPTED BY BOTH HOUSES OF THE LEGISLATURE OR CONSIDERED APPROVED AS
6 PROVIDED UNDER THIS SUBSECTION.

7 SEC. 5432. IF A HEALTH PROFESSIONAL IN CHARGE OF THE CARE OF A
8 NEWBORN INFANT OR, IF NONE, THE HEALTH PROFESSIONAL IN CHARGE AT
9 THE BIRTH OF AN INFANT, THE HOSPITAL, THE HEALTH DEPARTMENT, OR
10 OTHER FACILITY ADMINISTERS OR CAUSES TO BE ADMINISTERED TO THE
11 INFANT A HEARING TEST AND SCREENING, THEN THAT PERSON OR FACILITY
12 SHALL REPORT TO THE DEPARTMENT, ON A FORM AS PRESCRIBED BY THE
13 DEPARTMENT, THE RESULTS OF ALL HEARING TESTS AND SCREENS CONDUCTED
14 ON INFANTS WHO ARE LESS THAN 12 MONTHS OF AGE AND ON CHILDREN WHO
15 HAVE BEEN DIAGNOSED WITH HEARING LOSS AND ARE LESS THAN 3 YEARS OF
16 AGE. THE REPORT SHALL INCLUDE THE TYPE, DEGREE, AND SYMMETRY OF THE
17 DIAGNOSIS, ALONG WITH WHERE AND WHEN THE DIAGNOSIS WAS MADE.