

SUBJECT: Allowing electronic consent for newborn and infant screening tests

COMMITTEE: Public Health — favorable, without amendment

VOTE: 10 ayes — S. Thompson, Wray, Allison, Frank, Guerra, Lucio, Ortega, Price, Sheffield, Zedler

0 nays

1 absent — Coleman

SENATE VOTE: On final passage, May 7 — 30-1 (Creighton)

WITNESSES: No public hearing

BACKGROUND: Health and Safety Code sec. 33.0111 requires the Department of State Health Services (DSHS) to provide disclosure statements on screening tests for certain heritable diseases to allow parents, guardians, and managing conservators of newborns to consent to screenings and the sharing of information. Sec. 47.007 requires DSHS to provide similar disclosure forms to parents and obtain consent for newborn hearing loss screenings and information sharing.

DIGEST: SB 1404 would require the Department of State Health Services (DSHS) to create a process to permit the parent, managing conservator, or guardian of a newborn child to provide consent to and share information from screenings for certain heritable diseases and hearing loss through electronic means, including through audio or video recording. DSHS would have to determine the manner of storing electronic consent records and ensure the newborn's attending physician had access to those records.

Birthing facilities or other persons required to obtain consent would not be required to use the electronic process. DSHS could provide disclosure statements in various formats and languages to ensure clear communication of information on screening tests.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

SB 1404 would create a standardized process by which parents of newborns could get better, more complete information regarding newborn screenings and the value of sharing screening data. This would allow them to make educated decisions that best represented their family's interest.

SB 1404 would eliminate inefficiencies in the screening process and prevent loss of data by requiring the Department of State Health Services to create an electronic method of consent for newborn screening and information sharing. Paper consent forms and a lack of tailored messaging leave hospitals at risk of missing documentation, lead to delays in processing, and can lead parents to decline screenings due to misunderstanding the value or purpose of doing so. Given the critical nature of newborn screening results, verifiable and timely data are essential, and this bill would create a more efficient process for birthing centers and hospitals to capture those data.

**OPPONENTS
SAY:**

SB 1404 would use resources that could be better appropriated to other state budget priorities.

NOTES:

According to estimates from the Legislative Budget Board, SB 1404 would have a negative impact of \$3.8 million in general revenue related funds through fiscal 2020-21.