

CHAPTER 157

HEALTH

HOUSE BILL 94-1078

BY REPRESENTATIVES Tucker, Allen, Adkins, Berry, Blue, Coffman, Clarke, Fleming, Friednash, Greenwood, Hagedorn, Hernandez, Keller, Kerns, Knox, Lawrence, Linkhart, Lyle, Mattingly, Nichol, Pierson, Prinster, Reeves, Rupert, Strom, Sullivan, and Williams;

also SENATORS Traylor, Bishop, Casey, Feeley, Gallagher, Hopper, Johnson, Mares, Martinez, Mendez, Mutzebaugh, Peterson, L. Powers, Ruddick, Thiebaut, Weissmann, and Wham.

AN ACT

CONCERNING THE PROVISION OF FOLLOW-UP CARE TO NEWBORNS WHO TEST POSITIVE FOR METABOLIC DISORDERS IDENTIFIED THROUGH THE NEWBORN SCREEN TEST BY INCREASING THE NEWBORN SCREENING FEE UP TO A SPECIFIED LIMIT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 10 of article 4 of title 25, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

25-4-1004.5. Follow-up testing and treatment - legislative declaration - fee.

(1) THE GENERAL ASSEMBLY FINDS THAT:

(a) NEWBORN SCREENING AUTHORIZED BY SECTION 25-4-1004 IS PROVIDED FOR EVERY NEWBORN IN THE STATE;

(b) NEWBORN TESTING IS DESIGNED TO IDENTIFY METABOLIC DISORDERS THAT CAUSE MENTAL RETARDATION AND OTHER HEALTH PROBLEMS UNLESS THEY ARE DIAGNOSED AND TREATED EARLY IN LIFE;

(c) IN ORDER TO ENSURE THAT CHILDREN WITH METABOLIC DISORDERS ARE ABLE TO LEAD AS NORMAL A LIFE AS POSSIBLE AND TO MINIMIZE LONG-TERM HEALTH CARE COSTS FOR SUCH CHILDREN, IT IS NECESSARY TO PROVIDE CENTRALIZED FOLLOW-UP TESTING AND TREATMENT SERVICES;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(d) FOR OVER TWENTY-FIVE YEARS THE FOLLOW-UP TESTING AND TREATMENT SERVICES WERE PROVIDED BY A FEDERAL GRANT THAT WAS DISCONTINUED JUNE 30, 1993. SINCE THAT TIME, FOLLOW-UP TESTING AND TREATMENT SERVICES HAVE BEEN LIMITED. IF ALTERNATIVE SOURCES OF FUNDING ARE NOT PROVIDED, THOSE SERVICES WILL BE ELIMINATED.

(e) A NOMINAL INCREASE OF THE FEE ON NEWBORN SCREENING TO COVER THE COSTS OF PROVIDING FOLLOW-UP AND REFERRAL SERVICES WOULD ALLOW FOR THOSE SERVICES TO BE CONTINUED.

(2) (a) (I) BEFORE JULY 1, 1994, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH SHALL INCREASE THE NEWBORN SCREENING FEE AS PROVIDED IN SECTION 25-4-1004 (2) SO THAT THE FEE IS SUFFICIENT TO INCLUDE THE COSTS OF PROVIDING FOLLOW-UP AND REFERRAL SERVICES TO FAMILIES WITH A NEWBORN WHOSE TEST RESULTS UNDER A NEWBORN SCREENING INDICATE A METABOLIC DISORDER. FOLLOW-UP SERVICES INCLUDE COMPREHENSIVE DIAGNOSTIC TESTING. THE INCREASE SHALL NOT EXCEED FIVE DOLLARS; EXCEPT THAT IT MAY BE ADJUSTED ANNUALLY TO REFLECT ANY CHANGE IN THE DENVER-BOULDER CONSUMER PRICE INDEX. ANY FEES COLLECTED SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 25-4-1006.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 1994.

(b) ON AND AFTER JULY 1, 1994, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL INCREASE THE NEWBORN SCREENING FEE AS PROVIDED IN SECTION 25-4-1004 (2) SO THAT THE FEE IS SUFFICIENT TO INCLUDE THE COSTS OF PROVIDING FOLLOW-UP AND REFERRAL SERVICES TO FAMILIES WITH A NEWBORN WHOSE TEST RESULTS UNDER A NEWBORN SCREENING INDICATE A METABOLIC DISORDER. FOLLOW-UP SERVICES INCLUDE COMPREHENSIVE DIAGNOSTIC TESTING. THE INCREASE SHALL NOT EXCEED FIVE DOLLARS; EXCEPT THAT IT MAY BE ADJUSTED ANNUALLY TO REFLECT ANY CHANGE IN THE DENVER-BOULDER CONSUMER PRICE INDEX. ANY FEES COLLECTED SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 25-4-1006.

SECTION 2. 25-4-1006, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

25-4-1006. Cash funds. (1) All moneys received from fees collected pursuant to this part 10 shall be transmitted to the state treasurer who shall credit the same to the newborn screening and genetic counseling cash funds, which funds are hereby created. Such moneys shall be utilized for expenditures authorized or contemplated by and not inconsistent with the provisions of this part 10 relating to newborn screening, FOLLOW-UP CARE, and genetic counseling and education programs and functions. All moneys credited to the newborn screening and genetic counseling cash funds shall be used as provided in this part 10 and shall not be deposited in or transferred to the general fund of this state or any other fund.

(2) Notwithstanding any provision of this section to the contrary, for the fiscal year beginning July 1, 1988, the state treasurer shall transfer to the general fund out of any unappropriated moneys in the newborn screening and genetic counseling cash funds

the sum of five hundred thousand dollars.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the newborn screening and genetic counseling cash funds not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 1994, the sum of two hundred thirty three thousand dollars (\$233,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 28, 1994