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S.B. No. 791

A BILL TO BE ENTITLED

AN ACT

relating to testing for and education about congenital
cytomegalovirus in infants.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Madeline Leigh
Armstrong Act.

SECTION 2. Subtitle B, Title 2, Health and Safety Code, is
amended by adding Chapter 46 to read as follows:

CHAPTER 46. CONGENITAL CYTOMEGALOVIRUS

Sec. 46.001. DEFINITIONS. In this chapter:

(1) "Congenital cytomegalovirus" means
cytomegalovirus acquired by an infant before birth.

(2) "Department" means the Department of State Health
Services.

Sec. 46.002. EDUCATIONAL MATERIALS ON CONGENITAL
CYTOMEGALOVIRUS. (a) The department, in consultation with the
Texas Medical Board, shall develop and publish informational
materials for women who may become pregnant, expectant parents, and
parents of infants regarding:

(1) the incidence of cytomegalovirus;

(2) the transmission of cytomegalovirus to pregnant
women and women who may become pregnant;

(3) birth defects caused by congenital
cytomegalovirus;

1 (4) methods of diagnosing congenital cytomegalovirus;
2 (5) available preventive measures to avoid the
3 infection of women who are pregnant or may become pregnant; and
4 (6) treatment options available for children born with
5 congenital cytomegalovirus.

6 (b) The materials must be published in:

- 7 (1) English and Spanish;
8 (2) an easily comprehensible form; and
9 (3) a typeface large enough to be clearly legible.

10 (c) The department shall periodically review the materials
11 to determine if changes to the contents of the materials are
12 necessary.

13 Sec. 46.003. PUBLICATION OF MATERIALS. (a) The department
14 shall publish the information required to be published under this
15 chapter on the department's Internet website.

16 (b) The department may not charge a fee for physical copies
17 of the materials. The department shall provide appropriate
18 quantities of the materials to any person on request.

19 Sec. 46.004. EDUCATION AND OUTREACH. (a) The department
20 shall establish an outreach program to:

- 21 (1) educate women who may become pregnant, expectant
22 parents, and parents of infants about cytomegalovirus; and
23 (2) raise awareness of cytomegalovirus among health
24 care providers who provide care to expectant mothers or infants.

25 (b) The department may solicit and accept the assistance of
26 any relevant medical associations or community resources,
27 including faith-based resources, to promote education about

1 cytomegalovirus under this chapter.

2 Sec. 46.005. RULES. The executive commissioner of the
3 Health and Human Services Commission may adopt rules for the
4 implementation of this chapter.

5 SECTION 3. Chapter 47, Health and Safety Code, is amended by
6 adding Section 47.0032 to read as follows:

7 Sec. 47.0032. TESTING FOR CYTOMEGALOVIRUS. (a) If an
8 infant does not pass the newborn hearing screening under Section
9 47.003, the birthing facility shall perform or cause to be
10 performed a test for cytomegalovirus on the infant, unless the
11 parent declines the test.

12 (b) If an infant tests positive for cytomegalovirus, the
13 birthing facility shall provide the infant's parents with:

- 14 (1) the results of the test;
15 (2) information on the potential effects of
16 cytomegalovirus and the treatment options available; and
17 (3) information that directs parents to coordinate
18 follow-up care with the infant's physician or health care provider.

19 SECTION 4. Section 161.501(a), Health and Safety Code, as
20 amended by S.B. No. 219, Acts of the 84th Legislature, Regular
21 Session, 2015, is amended to read as follows:

22 (a) A hospital, birthing center, physician, nurse midwife,
23 or midwife who provides prenatal care to a pregnant woman during
24 gestation or at delivery of an infant shall:

- 25 (1) provide the woman and the father of the infant, if
26 possible, or another adult caregiver for the infant, with a
27 resource pamphlet that includes:

1 (A) a list of the names, addresses, and phone
2 numbers of professional organizations that provide postpartum
3 counseling and assistance to parents relating to postpartum
4 depression and other emotional trauma associated with pregnancy and
5 parenting;

6 (B) information regarding the prevention of
7 shaken baby syndrome including:

8 (i) techniques for coping with anger caused
9 by a crying baby;

10 (ii) different methods for preventing a
11 person from shaking a newborn, infant, or other young child;

12 (iii) the dangerous effects of shaking a
13 newborn, infant, or other young child; and

14 (iv) the symptoms of shaken baby syndrome
15 and who to contact, as recommended by the American Academy of
16 Pediatrics, if a parent suspects or knows that a baby has been
17 shaken in order to receive prompt medical treatment;

18 (C) a list of diseases for which a child is
19 required by state law to be immunized and the appropriate schedule
20 for the administration of those immunizations;

21 (D) the appropriate schedule for follow-up
22 procedures for newborn screening;

23 (E) information regarding sudden infant death
24 syndrome, including current recommendations for infant sleeping
25 conditions to lower the risk of sudden infant death syndrome; and

26 (F) educational information in both English and
27 Spanish on:

1 (i) pertussis disease and the availability
2 of a vaccine to protect against pertussis, including information on
3 the Centers for Disease Control and Prevention recommendation that
4 parents receive Tdap during the postpartum period to protect
5 newborns from the transmission of pertussis; and

6 (ii) the incidence of cytomegalovirus,
7 methods of diagnosing congenital cytomegalovirus, birth defects
8 caused by congenital cytomegalovirus, and available methods of
9 treatment for an infant born with congenital cytomegalovirus;

10 (2) if the woman is a recipient of medical assistance
11 under Chapter 32, Human Resources Code, provide the woman and the
12 father of the infant, if possible, or another adult caregiver with a
13 resource guide that includes information in both English and
14 Spanish relating to the development, health, and safety of a child
15 from birth until age five, including information relating to:

16 (A) selecting and interacting with a primary
17 health care practitioner and establishing a "medical home" for the
18 child;

19 (B) dental care;

20 (C) effective parenting;

21 (D) child safety;

22 (E) the importance of reading to a child;

23 (F) expected developmental milestones;

24 (G) health care resources available in the state;

25 (H) selecting appropriate child care; and

26 (I) other resources available in the state;

27 (3) document in the woman's record that the woman

1 received the resource pamphlet described in Subdivision (1) and the
2 resource guide described in Subdivision (2), if applicable; and

3 (4) retain the documentation for at least five years
4 in the hospital's, birthing center's, physician's, nurse midwife's,
5 or midwife's records.

6 SECTION 5. (a) The Department of State Health Services
7 shall develop and publish the materials required by Chapter 46,
8 Health and Safety Code, as added by this Act, not later than January
9 1, 2016.

10 (b) The change in law made by Section 47.0032, Health and
11 Safety Code, as added by this Act, applies only to a hearing
12 screening performed on or after the effective date of this Act.

13 (c) The Department of State Health Services shall revise the
14 pamphlet under Section 161.501(a), Health and Safety Code, as
15 amended by this Act, not later than January 1, 2016.

16 SECTION 6. This Act takes effect September 1, 2015.