



Council of the **DISTRICT OF COLUMBIA**

📖 Code of the District of Columbia

Chapter 8B-ii. Comprehensive Newborn Screening.

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§ 7-858.01. Definitions.

For the purposes of [this chapter](#), the term:

(1) "Birthing facility" means a facility or other place, other than a hospital or the mother's home, that provides antepartal, intrapartal, and postpartal care for both mother and child during and after normal, uncomplicated pregnancy.

(1A) "Committee" means the Perinatal and Infant Health Advisory Committee established in [§ 7-858.05](#).

(2) "Critical congenital heart disease" means a group of heart defects that cause serious, life-threatening symptoms and require intervention within the first days or first year of life.

(3) "Department" means the Department of Health.

(3A) "Doctor" means a person holding a Doctor of Medicine (M.D.) or Doctor of Osteopathic Medicine (D.O.) degree.

(3B) "Health benefit plan" shall have the same meaning as provided in [§ 31-3171.01\(5\)](#).

(4) "Hearing impairment" means a dysfunction of the auditory system, of any type or degree, that is sufficient to interfere with the acquisition and development of speech and language skills, with or without the use of sound amplification.

(5) "Hospital" means a facility other than a birthing facility or the mother's home, that provides antepartal, intrapartal, and postpartal care for both mother and child during and after pregnancy.

(6) "Metabolic disorder" means a disorder which results in a defect in the function of a specific enzyme or protein.

(7) "Nurse-midwife" means a registered nurse certified pursuant to Chapter 58 of Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 5800 *et seq.*).

(8) "Parent" means an individual who is legally recognized to have all rights provided under District law with respect to a child.

(9) "Report card" means a listing of A-F letter grades addressing compliance with the provisions included in [§ 7-858.03\(a\)](#).

([Apr. 11, 2019, D.C. Law 22-290, § 301, 66 DCR 1668](#); [June 24, 2020, D.C. Law 23-118, § 2\(a\), 67 DCR 5090](#).)

§ 7–858.02. Newborn screening and testing.

(a) Each hospital, birthing facility, and nurse-midwife shall:

(1) Inform and educate the parent of a newborn of the purpose and availability of newborn screening for critical congenital heart disease, hearing impairment, and metabolic disorders;

(2) Screen all newborns delivered or cared for at the hospital, home, or birthing facility for critical congenital heart disease, hearing impairment, and metabolic disorders, unless the newborn's parent withholds consent for the screening procedure;

(3) Document the screening results or the parent's refusal to permit the screening;

(4) Provide the screening results to the parent of the newborn and the newborn's primary care provider;

(5) When a screening discloses a positive result, provide recommendations for follow-up testing and treatment to the parent of the newborn and to the newborn's primary care provider; and

(6) Notify the Department of the number of infants screened, the results of the screening, and any documented parental refusal.

(b) The Mayor shall establish specific procedures for each screening through rulemaking and may revise the type of newborn screening that hospitals, birthing facilities, and nurse-midwives are required to conduct.

(c) Except for statistical data compiled without reference to the identity of any individual, all information obtained from any individual or from specimens from any newborn shall be held confidential and be considered a confidential medical record, except any information for which a parent consents to release. Each parent shall be informed of the scope of the information requested to be released and the purpose of releasing the information before the release of any confidential information.

(d) Each individual and group health benefits plan issued or renewed in the District of Columbia shall provide coverage for newborn screenings required by and performed in accordance with the provisions of this section.

(Apr. 11, 2019, D.C. Law 22-290, § 302, 66 DCR 1668; June 24, 2020, D.C. Law 23-118, § 2(b), 67 DCR 5090.)

§ 7–858.03. Birthing facility report cards; inspections; annual reports.

(a) Each hospital and birthing facility shall report to the Department information regarding inpatient services and processes for each of the following elements as the Department may require through rulemaking, including:

- (1)** Newborn screening requirements established under [this chapter](#);
- (2)** Lactation support services;
- (3)** Education requirements on newborn and postpartum health;
- (4)** Discharge standards established under [this chapter](#); and
- (5)** Clinical quality measures of obstetrical and neonatal care.

(b) The Department may inspect each hospital and birthing facility to verify compliance with the requirements of [this chapter](#) and to assess performance related to the elements set forth in subsection (a) of this section while conducting its annual inspection of each hospital and birthing facility.

(c) The Department shall issue an annual report that includes a report card for each hospital and birthing facility that summarizes the results of the hospital or birthing facility for each element set forth in subsection (a) of this section.

([Apr. 11, 2019, D.C. Law 22-290, §303](#); as added [June 24, 2020, D.C. Law 23-118, § 2\(e\)](#), 67 DCR 5090.)

§ 7–858.04. Discharge standards.

(a) Each hospital, birthing facility, and nurse-midwife shall provide to each parent comprehensive newborn education and a discharge form approved by the Department with information regarding the newborn's hospital course of treatment, including screenings, procedures, and other tests.

(b) The Mayor shall develop and issue standards for post-partum education, including breastfeeding, family planning, safe sleep practices, tobacco exposure, vaccinations, car

safety, basic newborn care, and the results and rationale for newborn screenings.

(c) The Mayor shall establish the content of newborn discharge forms through rulemaking.

(Apr. 11, 2019, D.C. Law 22-290, § 302, 66 DCR 1668; redesignated § 304, June 24, 2020, D.C. Law 23-118, § 2(c), 67 DCR 5090.)

§ 7–858.05. Perinatal and Infant Health Advisory Committee; establishment and composition.

(a) There is established a Perinatal and Infant Health Advisory Committee that shall be responsible for making recommendations to the Mayor and the Director of the Department of Health regarding improving perinatal health and assuring access to quality perinatal health services.

(b) The committee shall be composed of the following 11 voting members:

(1) The Director of the Department of Health, or designee, who shall also serve as chairperson of the committee;

(2) The Director of the Department of Health Care Finance, or designee;

(3) The State Superintendent of Education, or designee;

(4) Two consumer members with children under the age of 5 years;

(5) A doctor practicing as a pediatric primary care provider;

(6) A doctor practicing as a neonatologist;

(7) A doctor practicing as an obstetrician-gynecologist in an ambulatory setting;

(8) A doctor specialized in and practicing maternal-fetal medicine;

(9) A health care professional specialized in and practicing genetics and newborn screening; and

(10) A certified lactation counselor.

(c) The non-government members shall be appointed by the Mayor pursuant to [§ 1-523.01\(f\)\(69\)](#). Each non-government member shall be appointed for a term of 3 years; except, that of the initial appointments, 2 members shall be appointed for terms of 1 year, 3 members shall be appointed for terms of 2 years, and 3 members shall be appointed for terms of 3 years. If a vacancy occurs for any reason other than the normal expiration of a term, a member shall be appointed for the remainder of the unexpired portion of the term. No member shall be appointed to more than 3 consecutive 3-year terms. The members of the committee shall serve without compensation.

(d) The committee shall meet quarterly, at a time and place determined by the chairperson.

(e)(1) At least 6 members shall be present to constitute a quorum.

(2) The committee may establish such policies and procedures as it considers appropriate for the administration of its functions.

(f) The Department shall provide administrative support to the committee.

[\(Apr. 11, 2019, D.C. Law 22-290, §305; as added June 24, 2020, D.C. Law 23-118, § 2\(f\), 67 DCR 5090.\)](#)

§ 7-858.06. Duties of the committee.

The committee shall:

(1) Gather and disseminate information about perinatal and infant health indicators to increase the public's understanding of the status of perinatal and infant health in the District.

(2) Review newborn screening and surveillance data, including aggregate reports and individual case studies, and provide recommendations to improve the quality of newborn screening and birthing facility maternal and newborn discharge protocols;

(3) Provide recommendations for hospitals and birthing facilities to improve metrics on the report cards issued by the Department under [§ 7-858.03\(c\)](#);

(4) Evaluate the need for and efficacy of all newborn screening tests and recommend the removal or addition of screening tests, as appropriate;

(5) Devise strategies to increase promotion and support of breastfeeding;

(6) Review perinatal and infant health policies and programs for the purpose of providing recommendations to improve their effectiveness in improving the health of mothers and infants;

(7) Convene sub-committees for specialty areas of perinatal and newborn health, such as metabolic disorders, to inform and provide recommendations to the full committee as needed; and

(8) Provide an annual report to the Mayor and Council of its legislative, regulatory, programmatic, and policy recommendations.

([Apr. 11, 2019, D.C. Law 22-290, §306](#); as added [June 24, 2020, D.C. Law 23-118, § 2\(f\)](#), [67 DCR 5090](#).)

§ 7–858.07. Penalties.

Civil fines and penalties may be imposed as sanctions for an infraction of [§ 7-858.02\(a\)](#) or [\(c\)](#), [§ 7-858.03\(a\)](#), or [§ 7-858.04\(a\)](#) pursuant to [Chapter 18 of Title 2](#) ("Civil Infractions Act"). Enforcement and adjudication of an infraction shall be pursuant to the Civil Infractions Act.

([Apr. 11, 2019, D.C. Law 22-290, §307](#); as added [June 24, 2020, D.C. Law 23-118, § 2\(f\)](#), [67 DCR 5090](#).)

§ 7–858.08. Rules.

The Mayor, pursuant to [subchapter I of Chapter 5 of Title 2](#), shall issue rules to implement the provisions of [this chapter](#).

([Apr. 11, 2019, D.C. Law 22-290, § 303, 66 DCR 1668](#); [redesignated § 308, June 24, 2020, D.C. Law 23-118, § 2\(d\), 67 DCR 5090.](#))

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