

## **CHAPTER 25-17 TESTING AND TREATMENT OF NEWBORNS**

### **25-17-00.1. Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Low-protein modified food product" means a food product that is specially formulated to have less than one gram of protein per serving and is intended to be used under the direction of a physician for the dietary treatment of a metabolic disease. The term does not include a natural food that is naturally low in protein.
2. "Medical food" means a food that is intended for the dietary treatment of a disease or condition for which nutritional requirements are established by medical evaluation and is formulated to be consumed or administered under the direction of a physician.
3. "Metabolic disease" and "genetic disease" mean a disease as designated by rule of the state health council for which early identification and timely intervention will lead to a significant reduction in mortality, morbidity, and associated disabilities.

### **25-17-01. Newborn screening education programs and tests.**

The state department of health shall:

1. Develop and implement a metabolic and genetic disease educational program among physicians, hospital staffs, public health nurses, and the citizens of this state. This educational program must include information about the nature of the diseases and about screening for the early detection of these diseases so that proper measures may be taken to reduce mortality, morbidity, and associated disabilities.
2. Provide, on a statewide basis, a newborn screening system and short-term followup services for metabolic and genetic diseases.
3. Coordinate with or refer individuals to public and private health care service providers for long-term followup services for metabolic diseases or genetic diseases, or both.

### **25-17-02. Rulemaking requirement.**

The state health council shall adopt rules necessary to implement this chapter.

### **25-17-03. Treatment for positive diagnosis - Registry of cases.**

The state department of health shall:

1. Follow up with attending physicians cases with positive tests for metabolic diseases or genetic diseases, or both, in order to determine the exact diagnosis.
2. Refer every diagnosed case of a metabolic disease or genetic disease, or both, to a qualified health care provider for necessary treatment.
3. Maintain a registry of cases of metabolic and genetic diseases.
4. Provide medical food at no cost to males under age twenty-two and females under age forty-five who are diagnosed with phenylketonuria or maple syrup urine disease, regardless of income. If treatment services under this subsection are provided to an individual by the department, the department may seek reimbursement from any government program that provides coverage to that individual for the treatment services provided by the department.
5. Offer for sale at cost medical food to females age forty-five and over and to males age twenty-two and over who are diagnosed with phenylketonuria or maple syrup urine disease, regardless of income. These individuals are responsible for payment to the department for the cost of medical food.
6. Provide low-protein modified food products, if medically necessary as determined by a qualified health care provider, to females under age forty-five and males under age twenty-two who are receiving medical assistance and are diagnosed with phenylketonuria or maple syrup urine disease.

**25-17-04. Testing and reporting requirements.**

The physician attending a newborn child, or the birth attendant in the case of an out-of-hospital birth, shall provide the parents with written information regarding the nature of the proposed testing and then cause that newborn child to be subjected to testing for metabolic and genetic diseases, in the manner prescribed by the state department of health. A physician attending a patient with a metabolic disease or genetic disease, or both, shall report the case to the state department of health. The testing requirements of this section do not apply if the parents of a newborn child object to the testing.

**25-17-05. Testing charges.**

The state health council may adopt rules that establish reasonable fees and may impose those fees to cover the costs of administering tests under this chapter. All test fees collected by the state department of health must be deposited in the state department of health operating account.