Resolution to End State-Enabled Newborn Testing Monopolies

Summary
This resolution urges state legislators to rescind the laws and regulatory authority that have made state agencies the exclusive providers of clinical laboratory services to detect treatable disorders in newborns. This resolution proposes that newborns, their families, and society would be better served if qualified private organizations were permitted to offer these laboratory services within the marketplace.

Model Resolution

WHEREAS, improving the health of children is a national goal, and

WHEREAS, newborn screening identifies treatable inherited and other disorders in newborn babies by testing a blood sample shortly after birth, and

WHEREAS, newborn screening and early clinical intervention can prevent or detect irreversible and serious health problems that could lead to mental retardation or death in children, and

WHEREAS, the screening of all babies for treatable newborn disorders has been an accepted medical practice in the United States for more than 30 years, and

WHEREAS, advances in technology and clinical interventions by private organizations have made it practical to screen and successfully treat an expanding number of debilitating disorders in newborns, and

WHEREAS, state officials have used their regulatory authority and access to state legislatures to establish regulations and laws that exclude private laboratories from performing newborn screening, and

WHEREAS, agencies in many states have established fees for newborn screening services while requiring private hospitals and physicians to obtain newborn screening services only from state agencies, and

WHEREAS, these monopolistic practices exist primarily to prevent competition from private organizations and assure cash flow to state agencies, and

WHEREAS, these monopolistic practices have eliminated the normal market forces that encourage technological innovation, competition, and cost control, and

WHEREAS, these monopolistic practices provide no documented medical or public health benefit, and

WHEREAS, this is a wide disparity in newborn screening services between states, and

WHEREAS, the newest technologies in newborn screening are not available to newborns through most state agencies that provide newborn screening services, and

WHEREAS, newborns are not receiving the best services and information on screening because private laboratories are excluded from the marketplace.

NOW THEREFORE BE IT RESOLVED, that (insert state and legislative body; i.e. General Assembly) strongly urges the (insert appropriate department) and Governor to end the state monopoly on newborn screening services by revising or rescinding the regulations or laws that exclude qualified private laboratories from providing newborn screening services to hospitals and physicians, and

BE IT FURTHER RESOLVED, that hospitals and physicians should be permitted to choose among qualified providers of newborn screening services as they currently do for all other clinical laboratory services.

BE IT FURTHER RESOLVED, that the (insert appropriate department) should continue to gather results of newborn screening to ensure appropriate follow up, efficacy, and quality of private screening.

BE IT FURTHER RESOLVED, that copies of this resolution will be distributed to (insert the appropriate department) and Governor.
Adopted by the Health and Human Services Task Force and approved by the ALEC Board of Directors in 2005.

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