

HB 2972 -- ERYTHROMYCIN

SPONSOR: Durnell

Current law requires the administration of a prophylactic medication approved by the Department of Health and Senior Services into the eyes of a newborn infant, but such administration is not required if a parent or legal guardian objects to the treatment. Currently, a violation of this provision is a misdemeanor.

This bill modifies these provisions so that immediately after the delivery of a newborn infant, a physician, midwife, or nurse may drop into the infant's eyes erythromycin eye drops to protect the infant from any infection that may have been contracted during the birthing process. The administration of the eye drops must not occur without the written informed consent of the infant's parent or guardian. Within 48 hours of the eye drops' administration, a written report of such administration as well as the written informed consent of the parent or guardian must be provided to the local public health agency where the birth occurred.

A parent or legal guardian may report any administration of the eye drops without informed consent to the Department of Health and Senior Services. The bill establishes a tiered penalty system for situations in which consent was not obtained but eye drops were administered:

- (1) For the first violation, a physician, midwife, or nurse receives a written warning from the Department;
- (2) For the second violation, a physician, midwife, or nurse will be subject to a fine of \$5,000 and a one-year suspension of any professional health-related licensed held; and
- (3) For the third and any subsequent violation, a physician, midwife, or nurse will be subject to a fine of \$5,000 and the revocation of any professional license by the relevant licensing board.

Failure or refusal of the parent or legal guardian of a newborn infant to consent to the administration of erythromycin eye drops under this section is not grounds to contact any State agency or department including, but not limited to, the Children's Division of the Department of Social Services. If any State agency or department is contacted in violation of this subsection, the

parent or legal guardian of the newborn infant may bring a civil action in circuit court for such relief as may be appropriate.