

Cabinet Resolution No. (15) of 2020 on the Regulation of Medical Examination for Newborns

The Cabinet,

- Having reviewed the Constitution;
- Federal Law No. (1) of 1972, on the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (18) of 2009, on the Registration of Births and Deaths;
- Federal Law No. (4) of 2015, on Private Health Facilities;
- Federal Law No. (14) of 2016, on Violations and Administrative Penalties in the Federal Government;
- Cabinet’s Resolution No. (18) of 2013, on the Fees of Health Card and Treatment and Diagnostic Services for Non-UAE Nationals; and
- Based on the Proposal presented by the Minister of Health and Prevention and the Cabinet’s approval thereof,

Hereby resolves as follows:

Article (1)

Definitions

For the purpose of this Resolution, the following words and expressions shall bear the meanings assigned thereto respectively, unless the context requires otherwise:

- The State** : The United Arab Emirates.
- The Ministry** : The Ministry of Health and Prevention.
- The Minister** : The Minister of Health and Prevention.
- The Health Authority** : The Ministry or any government authority in charge of health affairs in the State.
- The Health Facility** : Any place equipped and licensed for conducting medical examination on patients, providing them with medical

counselling, assisting in diagnosing their diseases, providing them with treatment, nursing or hospitalization services for the purpose of medication, or carrying out any activity related to prevention, treatment or rehabilitation, whether such facility is owned or managed by natural or legal persons. Such definition includes health facilities affiliated to colleges of medicine operating in the State if they provide any of the above health services or clinical testing on patients.

The : A baby from the time of birth up to 28 days of age.

Newborn

The Preterm Baby : A baby who is born before the thirty seventh week of pregnancy.

Newborn Examination Regulation : The procedures, controls and rules regulating the medical examination of newborns, including following up and ascertaining tests in order to ensure the accuracy of the examination results and the clinical and biochemical evaluation of test results.

Health Threats : Any condition causing mental or physical disability, or leading to death.

Newborn Examination : All procedures that include taking a blood sample from the Newborn to carry out the necessary biochemical testing at the reference laboratory of Newborn examination, in order to detect Health Threats in newborns specially threats related to genetic conditions, as well as examining hearing to detect hearing disorders, heart to detect heart defects or any other relevant examinations to be subsequently added to the protocols.

The Reference Laboratory : The Reference Laboratory designated by the Ministry which will, within the scope of this Resolution, analyze blood samples taken from Newborns.

Article (2) Applicability

1. The Newborns who are born in the State shall undergo the Newborn Examination Process, as per the controls defined in this Resolution.
2. The provisions of above Item (1) shall apply to Newborns who are born outside the State, subject to the following:
 - a. The Newborn shall not have undergone the Newborn examination.
 - b. The medical examination shall be carried out within a period not exceeding (28) days from the date of delivery.
 - c. If the Newborn is a Non-UAE National, his guardian is required to be residing in the State, pursuant to the provisions of Article (6) hereunder.

Article (3)

Objectives of the Resolution

The medical examination of Newborns aims at diagnosing Health Threats in Newborns and addressing such threats early to treat them or prevent the aggravation thereof.

Article (4)

Newborn Examination Process Period

The Newborn Examination Process shall be made during the period defined according to the protocols approved by the Ministry in coordination with all Health Authorities, including the special protocols, to ensure that the examination is carried out for Preterm Babies, underweight or sick babies who require blood transfusion.

Article (5)

Coverage of the Newborn Examination Regulation

The Newborn Examination Regulation covers all diseases defined according to the protocols approved by the Ministry in coordination with all Health Authorities. The examination cost shall be included in the total cost of delivery.

Article (6)

Persons Responsible for Ensuring that Newborns Undergo the Medical Examination

The Newborn's father shall ensure that his Newborn undergoes the medical examination, pursuant to the provisions of this Resolution. If the father is absent or cannot be present, such obligation shall be assumed by the Newborn's mother or guardian pursuant to law.

Article (7)

Obligations of the Health Facility in which Delivery is Carried out

1. The Health Facility in which the delivery is carried out shall deliver to one of the persons mentioned in above Article (6), as the case may be, a pamphlet including all information on the Newborn examination during the pregnancy follow-up or immediately after the delivery, as per the form designated by the Minister's resolution in coordination with all Health Authorities.
2. The Health Facility referred to in Clause (1) above shall carry out the medical examination for each Newborn that is born therein, pursuant to the provisions of this Resolution, unless one of the Newborn's relatives mentioned in Article (6) above, as the case may be, rejects such examination. Such rejection shall be recorded in writing under a declaration signed by the person who abstained from having the Newborn undergo the medical examination. If such person refuses to sign the aforesaid declaration, a report to that effect shall be drawn and signed by the Health Facility's manager or his representative, along with the signature of the person supervising such examination in the Health Facility.

3. Any Health Facility in which the delivery is carried out shall notify the competent Health Authority of such delivery and provide it with a document stating whether or not the medical examination of Newborn has been made and, in absence thereof, the reason. If the reason is attributable to the abstention of the Newborn's relatives, referred to in Article (6) above, a document stating such abstention in writing shall be submitted.

Article (8)

Blood samples shall be taken from Newborns in all Health Facilities, which are required to provide all facilities necessary for taking such samples and sending the same to the Reference Laboratory to carry out the tests covered by the Newborn Examination Regulation. Such Facilities shall also provide facilities necessary for carrying out hearing and heart examination.

Article (9)

The Reference Laboratory shall analyze blood samples taken from Newborns, prepare reports necessary therefor and refer the test result to the Health Facility from which the Blood Sample was sent. The Newborn's relatives from among the persons mentioned in Article (6) above, as the case may be, shall be notified of blood testing results through the Health Facility from which the blood sample was taken, along with taking actions necessary for treating or referring positive cases, as per the relevant protocols. Furthermore, Health Authorities shall be provided with regular reports of Newborn examination results.

Article (10)

Violations and Administrative Penalties

1. A fine of (AED 5000) five thousand dirhams shall be imposed on a private Health Facility per case if it is proved that it has not carried out the medical examination of Newborns or failed to take the procedures necessary for conducting such examination, unless it is proved that the examination is not made due to the abstention of Newborn's relatives mentioned in Article (6) above.

2. A fine of (AED 2000) two thousand dirhams shall be imposed on any of the persons mentioned in Article (6) above who are proved to have abstained from having the Newborn undergo the medical examination provided herein.
3. When the violations set forth in Clauses (1) and (2) above, the relevant penalty shall be imposed by a resolution of the Minister or head of the Health Facility or his delegate, as the case may, each within his respective area of competence.

Article (11)

Appeal Against Administrative Penalties

1. A decision issued on the imposition of the penalties set forth in Article (10) above may be appealed to the Minister or head of the Health Facility. The appeal must be submitted within a period not exceeding (15) fifteenth days from the date of notifying the violator against whom the penalty is issued. The appeal must also be reasoned and accompanied by all supporting documents, as per the procedures defined by the Ministry or the Health Authority, as the case may be.
2. The Minister or the head of the Health Authority shall decide on the appeal within a period not exceeding (15) fifteenth days from the date of its submission. The decision issued on the appeal shall be final. The appeal shall be deemed rejected upon the expiry of such period without responding to the appellant.

Article (12)

Issuance of Executive Resolutions

The Minister shall issue, in coordination with Health Authorities, the resolutions and procedures necessary for implementing the provisions of this Resolution.

Article (13) Repeals

Any provisions that contradict or are in conflict with the provisions of this Resolution shall be repealed.

Article (14)

Publication and Entry into Force of the Resolution

This Resolution shall be published in the Official Gazette and shall enter into force six months following the date of its publication.

Mohamed bin Rashid Al Maktoum

Prime Minister

Dated: 22nd Rajab 1441 AH,

Corresponding to: 17th March 2020 A.D