

ADOPTION SECTION

HEALTH

PUBLIC HEALTH SERVICES BRANCH

DIVISION OF FAMILY HEALTH SERVICES

SPECIAL CHILD HEALTH AND EARLY INTERVENTION SERVICES

NEWBORN SCREENING AND GENETIC SERVICES

EARLY HEARING DETECTION AND INTERVENTION PROGRAM

Notice of Readoption

Newborn Hearing Screening Program

Readoption with Technical Changes: N.J.A.C. 8:19

Authorized By: Shereef M. Elnahal, MD, MBA, Acting Commissioner, Department of Health.

Authority: N.J.S.A. 26:2-103.1 et seq., particularly 103.3, 103.4, 103.6, and 103.9; see also N.J.A.C. 13:44C-7.2B.

Effective Date: April 20, 2018, Readoption;
May 21, 2018, Technical Changes.

New Expiration Date: April 20, 2025.

Take notice, pursuant to N.J.S.A. 52:14B-5.1, that the Acting Commissioner (Commissioner) of the Department of Health (Department) hereby readopts N.J.A.C. 8:19, Newborn Hearing Screening Program, which was scheduled to expire on June 9, 2018.

N.J.A.C. 8:19 implements N.J.S.A. 26:2-103.1 et seq., which obliges the Department to establish a program of universal screening of newborns for hearing loss and monitoring of certain infants for late-onset hearing loss.

N.J.A.C. 8:19-1.1 establishes definitions. N.J.A.C. 8:19-1.2 establishes standards for hearing development literature supplied to parents. N.J.A.C. 8:19-1.3 establishes standards for universal newborn hearing screening. N.J.A.C. 8:19-1.4 establishes standards for screening transferred infants' hearing. N.J.A.C. 8:19-1.5 establishes standards for personnel performing newborn hearing screening. N.J.A.C. 8:19-1.6 establishes standards for reporting by means of the Electronic Birth Certificate. N.J.A.C. 8:19-1.7 establishes standards for exemptions from screening. N.J.A.C. 8:19-1.8 establishes standards for the monitoring of infants who are at high risk for late-onset hearing loss based on the presence of certain high-risk indicators. N.J.A.C. 8:19-1.9 establishes standards for hearing screening follow-up activities. N.J.A.C. 8:19-1.10 establishes procedures for conduct and reporting of newborn hearing screening and follow-up. N.J.A.C. 8:19-1.11 establishes standards for documenting and reporting diagnosed hearing loss. N.J.A.C. 8:19-1.12 establishes standards for the Department's establishment of a central newborn hearing registry. N.J.A.C. 8:19-1.13 reiterates the confidentiality of reports made to the Department. N.J.A.C. 8:19-1.14 reiterates the non-liability of any entity that provides confidential information to the Department for the purposes of the Newborn Hearing Screening Program.

The Department is informed and believes that the Joint Committee on Infant Hearing (JCIH) soon will issue an update to the 2007 JCIH Position Statement, which N.J.A.C. 8:19 incorporates by reference, as amended and supplemented. Therefore,

while an update to the 2007 JCIH Position Statement, upon its issuance, would apply to the regulated community, it is likely that the Department would need to review the update to determine whether revision of N.J.A.C. 8:19 is necessary to ensure that the procedures therein for newborn hearing screening are consistent with changed JCIH recommendations that the update may contain. Following the conclusion of this review, the Department would expect to develop a rulemaking to implement indicated changes to N.J.A.C. 8:19 to ensure that it corresponds to updated JCIH recommendations. The Department would file this rulemaking with the Office of Administrative Law for processing in the ordinary course.

However, as the JCIH has yet to issue an update to the 2007 JCIH Position Statement, the required review and attendant rulemaking activity would not be concluded prior to the expiration of existing N.J.A.C. 8:19. The Acting Commissioner has reviewed existing N.J.A.C. 8:19 and determined that the existing chapter remains necessary, proper, reasonable, efficient, and understandable, and responsive to the purposes for which the Department originally promulgated it, as amended and supplemented over time, and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:19 is readopted and shall continue in effect for seven years.

The Department is making technical changes at N.J.A.C. 8:19-1.1 to reflect the reorganization and renaming of the Department pursuant to N.J.S.A. 26:1A-2.1 and to update contact information and references to publications that the chapter incorporates by reference, as amended and supplemented.

Full text of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. NEWBORN HEARING SCREENING

8:19-1.1 Definitions

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

...

“Commissioner” means the Commissioner of Health [and Senior Services].

...

“Department” means the Department of Health [and Senior Services].

...

“JCIH Position Statement” means the “Year 2007 Position Statement: Principles and Guidelines for Early Hearing Detection and Intervention Programs,” of the Joint Committee on Infant Hearing (JCIH), incorporated herein by reference, as amended and supplemented, published in Pediatrics, Vol. 120, No. 4, pp. 898-921 (October 2007), **which is** available [by writing to]:

1. From the American Academy of Pediatrics, [141 Northwest Point] **345 Park Blvd.**, [Elk Grove Village] **Itasca**, IL [60007-1098] **60143**, telephone: [(888) 227-1770,] **(800) 433-9016 and (630) 626-6000, telefacsimile: (847) 434-8000, website: <https://www.aap.org>**; [and available for download from]

2. From the JCIH website at <http://www.jcih.org>[, and from the American Academy of Pediatrics website at <http://pediatrics.aappublications.org/cgi/content/full/120/4/898>,]; and [available upon]

3. Upon request to the Division of Family Health Services of the Department.

...

“New Jersey Early Hearing Detection and Intervention Program” or “EHDI” means the program within the Department that implements the Universal Newborn Hearing Screening program pursuant to P.L. 2001, c. 373, for which the contact information is **Early Hearing Detection and Intervention Program, NJ Department of Health**, PO Box 364, Trenton, NJ 08625-0364, telephone (609) 292-5676, TTY (609) 984-1343, **telefacsimile (609) 633-7820**, website [<http://www.nj.gov/health/fhs/ehdi>] **<http://nj.gov/health/fhs/nbs/ehdi>**.

...

“Special Child Health Services Registration” means Department form number SCH-0 with this title, used for reporting children with special health care needs, which appears at subchapter Appendix B, incorporated herein by reference. The form is [also] available **from the Department’s forms page at www.nj.gov/health/forms and** upon request [from] **to** the EHDI. [The form can be downloaded from the Department website as a Word document at <http://www.state.nj.us/health/forms/sch-0.dot> or as an Adobe Acrobat file at <http://www.state.nj.us/health/forms/sch-0.pdf>.]

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