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RULE ADOPTIONS

Reporter

56 N.J.R. 2335(a)

**NJ - New Jersey Register PAW 2024 DECEMBER DECEMBER 16, 2024 RULE
ADOPTIONS HEALTH -- HEALTH SYSTEMS BRANCH**

Agency

HEALTH > HEALTH SYSTEMS BRANCH > DIVISION OF CERTIFICATE OF NEED AND LICENSING >
CERTIFICATE OF NEED AND HEALTH CARE FACILITY LICENSURE PROGRAM > DATA ANALYTICS PROGRAM
> OFFICE OF VITAL STATISTICS AND REGISTRY

Administrative Code Citation

Readoption with Technical Changes: N.J.A.C. 8:35

Text

Notice of Readoption

Rules Implementing the Autumn Joy Stillbirth Research and Dignity Act

Authority: N.J.S.A. 26:8-40.27 et seq., particularly 26:8-40.28 and 40.32; and P.L. 2013, c. 217, § 7.

Authorized By: Kaitlan Baston, MD, MSc, DFASAM, Commissioner, Department of Health (in consultation with the State Board of Medical Examiners, the New Jersey Board of Nursing, the State Board of Psychological Examiners, and the State Board of Social Work Examiners).

Effective Dates: November 13, 2024, Readoption;

December 16, 2024, Technical Changes.

New Expiration Date: November 13, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 8:35, Rules Implementing the Autumn Joy Stillbirth Research and Dignity Act, were scheduled to expire on January 16, 2025.

N.J.A.C. 8:35 establishes protocols that apply to health care facilities providing obstetrics and newborn services to ensure the dignified and sensitive treatment of a patient and family experiencing a stillbirth. The chapter also establishes a mechanism for the collection of data regarding stillbirths.

Subchapter 1, Scope and Purpose, sets forth the scope and purpose of the chapter and establishes the definitions of terms the chapter uses. The Department of Health (Department) is making a technical change to the subchapter heading to indicate that it sets forth "General Provisions." Subchapter 2, Policies and Procedures, requires facilities providing birthing and newborn care services to establish policies and procedures for the assignment of responsibilities to one primary physician when a stillbirth occurs; for the training of all employees who provide direct care to a patient who has delivered a stillborn child; for the collection of information from the patients and families of a stillborn; and for the provision of information and care to patients. Subchapter 3, Fetal Death Data Collection and Autopsy, establishes requirements for data collection related to stillborn children and standards and procedures for autopsies. Subchapter 4, Enforcement, requires facilities to allow Department staff access to the facility and facility records to conduct compliance and enforcement surveys and establishes penalties for violation of this chapter.

The Department is making technical changes to update references to guidance documents and contact information of an organization to which the existing rules refer.

The Commissioner has reviewed existing N.J.A.C. 8:35 and determined that, subject to the technical changes described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive for the purposes for which the Department originally promulgated it and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:35 is readopted with technical changes and shall continue in effect for seven years.

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

SUBCHAPTER 1. [SCOPE AND PURPOSE] **GENERAL PROVISIONS**

8:35-1.3 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

. . .

"American College of Obstetricians and Gynecologists" **or "ACOG"** means the American College of Obstetricians and Gynecologists, located at 409 12th Street SW, Washington, DC 20024-2188, mailing address[:] PO Box [70620] **96920**, Washington, DC 20024-9998, telephone (800) 673-8444 or (202) 638-5577, website www.acog.org.

. . .

SUBCHAPTER 3. FETAL DEATH DATA COLLECTION AND AUTOPSY

8:35-3.2 Autopsy and alternative evaluation

(a)-(b) (No change.)

(c) If the parents of a stillborn child consent to an autopsy, the autopsy shall meet the standards established by the American College of Obstetricians and Gynecologists or its successor in accordance with [the] **ACOG**, Management of Stillbirth, ACOG [Practice Bulletin,] **Obstetric Care Consensus** No. [102] **10**, [American College of Obstetricians and Gynecologists, 2009; 113:748-61] **Obstetrics and Gynecology**, **135(3):p e110-e132 (March 2020)**, DOI: **10.1097/AOG.00000000000003719**, incorporated herein by reference, as **amended and supplemented**, and **Erratum in Obstetrics and Gynecology (May 2023) 141(5):p 1030**, DOI: **10.1097/AOG.00000000000005178**, incorporated

herein by reference, as amended and supplemented (hereinafter collectively referred to as the "ACOG Obstetric Care Consensus No. 10").

1. (No change.)

(d) If the parents of a stillborn child do not consent to an autopsy, they shall be offered an alternative evaluation and, if they consent to such an evaluation, the evaluation shall meet the standards established by the American College of Obstetricians and Gynecologists or its successor in accordance with the [Management of Stillbirth,] ACOG [Practice Bulletin, No. 102, American College of Obstetricians and Gynecologists, 2009; 113:748-61] **Obstetric Care Consensus No. 10.**

1. (No change.)

(e)-(f) (No change.)

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