

**ADOPTIONS SECTION**

**HEALTH**

**PUBLIC HEALTH SERVICES BRANCH**

**DIVISION OF FAMILY HEALTH SERVICES**

**SPECIAL CHILD HEALTH 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: Kaitlan Baston, MD, MSc, DFASAM, Commissioner, Department of Health.

Authority: N.J.S.A. 26:2-103.1 et seq., particularly 103.3, 103.4, 103.5, 103.6, and 103.9; and P.L. 2001, c. 373, § 17.

Effective Dates:                March 10, 2025, Readoption;  
   April 7, 2025, Technical Changes.

New Expiration Date:        March 10, 2032.

**Take notice** that, pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 8:19, Newborn Hearing Screening Program, was scheduled to expire on April 20, 2025. N.J.A.C. 8:19 implements N.J.S.A. 26:2-103.1 et seq., which obliges the Department of Health (Department) to establish a program of universal screening of newborns for hearing loss and monitoring of certain infants for late-onset hearing loss.

Subchapter 1 establishes standards for newborn hearing screening. 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 Vital Events Registration and Information platform, formerly known as 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 the 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.

In 2019, the Joint Committee on Infant Hearing (JCIH) issued an update to the 2007 JCIH Position Statement, which N.J.A.C. 8:19 incorporates by reference, as amended and supplemented. The Department is developing a rulemaking to revise and update existing N.J.A.C. 8:19 to ensure it corresponds to the recommendations set forth

in the most recent JCIH Position Statement, and anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course. However, this rulemaking would not be concluded prior to the expiration of existing N.J.A.C. 8:19.

The Commissioner of the Department has reviewed N.J.A.C. 8:19 and determined that, pending the finalization of the anticipated rulemaking described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive for the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted, subject to the technical changes described below. 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 a seven-year period.

The Department is making technical changes throughout the chapter 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, **shall** have the following meanings, unless the context clearly indicates otherwise:

...

“EBC” means the [Electronic Birth Certificate or the Electronic Birth Certificate] **electronic birth certificate generated through the Vital Events** Registration [System] **and Information platform.**

...

“JCIH Position Statement” means the “Year [2007] **2019** Position Statement: Principles and Guidelines for Early Hearing Detection and Intervention Programs,” of the Joint Committee on Infant Hearing (JCIH), ***Journal of Early Hearing Detection and Intervention*, 4(2), 1-44 (2019), DOI: <https://doi.org/10.15142/fptk-b748>,** incorporated herein by reference, as amended and supplemented[, published in Pediatrics, Vol. 120, No.4, pp. 898-921 (October 2007)], which is available:

[1. From the American Academy of Pediatrics, 345 Park Blvd., Itasca, IL 60143, telephone: (800) 433-9016 and (630) 626-6000, telefacsimile: (847) 434-8000, website: <https://www.aap.org>;

Recodify existing 2.-3. as **1.-2.** (No change in text.)

...

"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://nj.gov/health/fhs/nbs/ehdi>, **electronic mailing address [ehdi@doh.nj.gov](mailto:ehdi@doh.nj.gov).**

...

"Otoacoustic emissions" [(] **or** "OAE[)]" means a physiologic measure used for detecting unilateral or bilateral hearing loss by measuring the responses generated

within the cochlea by the outer hair cells, by means of either DPOAE or TEOAE. OAE evaluation does not detect neural dysfunction.

...

"Transient [Evoked Otoacoustic Emissions] **evoked otoacoustic emissions**" or "TEOAE" means frequency-specific responses evoked by brief acoustic stimuli, such as clicks or tone bursts, that generally appear up to 20 milliseconds after stimuli are delivered to the ear.

**"VERI" means the Vital Events Registration and Information platform administered by the State Registrar of Vital Statistics.**

#### 8:19-1.3 Universal newborn hearing screening

(a)-(c) (No change.)

(d) Each birthing facility shall file a plan with the EHDI program detailing how the birthing facility will implement newborn hearing screening in accordance with this chapter by July 31st of each year. The plan shall include, at a minimum:

1. -11. (No change.)

12. The guidelines for entering hearing screening results and risk indicators for late-onset hearing loss into the [EBC system] **VERI platform**;

13. -14. (No change.)

#### 8:19-1.5 Personnel performing newborn hearing screening

(a) Each birthing facility shall designate a licensed audiologist or physician who shall oversee the birthing facility's newborn hearing screening program, and who shall ensure the implementation of the following:

1.-2. (No change.)

3. Reporting [EBC] **VERI** data;

4.-7. (No change.)

(b)-(c) (No change.)

#### 8:19-1.6 Reporting by means of the [Electronic Birth Certificate] **Vital Events**

##### **Registration and Information platform**

(a) For each live newborn born at, or transferred to, a birthing facility that has elected to participate in the reporting of births to the State Registrar of Vital Statistics electronically by means of the [Electronic Birth Certificate Registration System] **VERI platform**, the birthing facility shall report, within one week of the newborn's discharge or transfer, the [EBC] **VERI** fields or information identified below by means of the [Electronic Birth Certificate Registration System] **VERI platform** in the manner prescribed by the State Registrar of Vital Statistics for the **electronic** submission of [EBCs] **birth records**:

1.-11. (No change.)

(b) For each live newborn born outside a birthing facility, such as at home, who subsequently is transferred to a birthing facility, the receiving facility shall ensure that the report required [in] **at** (a) above is made, if the receiving facility has elected to

participate in the submission of birth [certificates] **records** electronically by means of the [Electronic Birth Certificate Registration System] **VERI platform**.

(c) For each newborn transferred to another in-State birthing facility, the sending facility shall complete [an EBC] **a VERI** transfer abstract within one week of the transfer and [shall] send the abstract to the receiving facility, if the sending facility has elected to participate in the submission of birth [certificates] **records** electronically by means of the [Electronic Birth Certificate Registration System] **VERI platform**.

#### 8:19-1.7 Exemption from screening

(a) (No change.)

(b) In case of refusal to screening pursuant to (a) above, the birthing facility, or in the event of a home birth, the attending physician or midwife, shall ensure that documentation of refusal to have the newborn's hearing screened is signed by the parent, becomes part of the infant's permanent medical record, and, if the birth occurs at a birthing facility that has elected to participate in the submission of birth [certificates] **records** electronically by means of the [Electronic Birth Certificate Registration System] **VERI platform**, is documented in the [EBC] **VERI platform**.