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**TITLE 410 INDIANA STATE DEPARTMENT OF
HEALTH**

Proposed Rule
LSA Document #04-161

DIGEST

Amends 410 IAC 21-3-8 and 410 IAC 21-3-9 to remove birth weight less than 2,500 grams and stillbirth as reportable conditions, require reporting of both pervasive developmental disorders and fetal alcohol spectrum disorder that is recognized in a child before five years of age, and amend the maximum age of a child whose diagnosis must be reported to the registry and whose report must be included in the registry from two years to three years. Repeals 410 IAC 21-3-6. Effective 30 days after filing with the secretary of state.

410 IAC 21-3-6

410 IAC 21-3-8

410 IAC 21-3-9

SECTION 1. 410 IAC 21-3-8 IS AMENDED TO READ AS FOLLOWS:

410 IAC 21-3-8 Reporting requirements

Authority: IC 16-38-4-7

Affected: IC 16-38-4

Sec. 8. (a) The following shall be reported by a person who must report as required by section 7 of this rule to the registry:

(1) Every birth problem, **except a pervasive developmental disorder or a fetal alcohol spectrum disorder**, listed in section 9 of this rule that:

(A) has been diagnosed in a child before that child's ~~second~~ **third** birthday; **or**

~~(2) Every birth problem listed in section 9 of this rule that (B) was diagnosed at the time of a child's death up to two (2) three~~
~~(3) years of age. or at expulsion or extraction of a fetus after twenty (20) weeks of gestation.~~

(2) A pervasive developmental disorder or a fetal alcohol spectrum disorder listed in section 9 of this rule that was diagnosed before a child's fifth birthday.

(b) Reports to the registry must be made within sixty (60) days of diagnosis.

(c) Only diagnoses of birth problems in children who are Indiana residents shall be reported.

(d) The registry shall provide the required forms for birth problems reporting. (*Indiana State Department of Health; 410 IAC 21-3-8; filed Jul 8, 2002, 1:55 p.m.: 25 IR 3758*)

SECTION 2. 410 IAC 21-3-9 IS AMENDED TO READ AS FOLLOWS:

410 IAC 21-3-9 Reportable birth problems

Authority: IC 16-38-4-7

Affected: IC 16-38-4

Sec. 9. The following categories along with those conditions identified in the International Classification of Diseases – Ninth Revision, Clinical Modification, 1998 (ICD-9-CM) are birth problems:

(1) A structural deformation.

(2) A developmental malformation.

- (3) A genetic, inherited, or biochemical disease.
~~(4) Birth weight less than two thousand five hundred (2,500) grams.~~
~~(5) (4) A condition of a chronic nature, including central nervous system hemorrhage or infection of the central nervous system, that may result in a need for long term health care.~~
~~(6) Stillbirth.~~
(5) A pervasive developmental disorder.
(6) A fetal alcohol spectrum disorder.
(7) Any other severe disability that is recognized in a child after birth and before the child becomes ~~two (2)~~ **three (3)** years of age.
(8) ICD-9-CM Codes Name

155-208	Neoplasms
216-216.9	Neoplasms
230-234	Neoplasms
246.1	Dyshormonogenic goiter
250	Diabetes mellitus
257.8	Other testicular dysfunction
279	Disorders involving the immune mechanism
282	Hereditary hemolytic anemias
284.0	Constitutional aplastic anemia
286.0-286.5	Coagulation defects
287.3	Primary thrombocytopenia
288	Diseases of white blood cells
289.6	Familial polycythemia
299.00-299.99	Pervasive developmental disorders including autism, childhood disintegrative disorder, Asperger's syndrome, Rett syndrome, and pervasive developmental disorders not otherwise specified
330	Cerebral degenerations usually manifest childhood
335	Anterior horn cell disease
359	Muscular dystrophies and myopathies
362.21	Retrolental fibroplasia
362.7	Hereditary retinal dystrophies
365.14	Glaucoma of childhood
378	Strabismus and other disorders of binocular eye movement
379.51	Congenital nystagmus
524.0-524.1	Anomalies of jaw
	Congenital anomalies
740-742	Central nervous system
743-744	Orofacial
745-747	Cardiovascular
748	Respiratory
749-750.29	Orofacial
750.3-751	Gastrointestinal
752-753	Genitourinary
754-756	Musculoskeletal
757	Integument
758	Chromosome and syndromes
759	Other and unspecified congenital anomalies
760.71	Fetal alcohol syndrome

(Indiana State Department of Health; 410 IAC 21-3-9; filed Jul 8, 2002, 1:55 p.m.; 25 IR 3758)

SECTION 3. 410 IAC 21-3-6 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 22, 2004 at 2:00 p.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on proposed amendments to the birth problems registry rule to remove birth weight less than 2,500 grams and stillbirth as reportable conditions, require reporting of both pervasive developmental disorders and fetal alcohol spectrum disorder that is recognized in a child before five years of age, amend the maximum age of a child whose diagnosis must be reported to the registry and whose report must be included in the registry from two years to three years, and repeal the definition of stillbirth. Copies of these rules are now on file at the Community and Family Health Services Commission, Indiana State Department of Health, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gregory A. Wilson, M.D.
State Health Commissioner
Indiana State Department of Health