

TITLE 7 HEALTH
CHAPTER 30 FAMILY AND CHILDREN HEALTH CARE SERVICES
PART 5 SHAKEN BABY SYNDROME PREVENTION

7.30.5.1 ISSUING AGENCY: New Mexico Department of Health, Epidemiology and Response Division and Division of Health Improvement.
[7.30.5.1 NMAC - N, 10/15/2019]

7.30.5.2 SCOPE: These regulations apply to all hospitals and freestanding birth centers licensed to operate in New Mexico.
[7.30.5.2 NMAC - N, 10/15/2019]

7.30.5.3 STATUTORY AUTHORITY: The regulations set forth herein are promulgated by the secretary of the New Mexico department of health, pursuant to Section 24-1-13.2 NMSA 1978 and the general authority granted under Subsection E of Section 9-7-6 NMSA 1978, Department of Health Act, as amended; and Subsection I of Section 24-1-3 and Section 24-1-5 NMSA 1978, Public Health Act, as amended.
[7.30.5.3 NMAC - N, 10/15/2019]

7.30.5.4 DURATION: Permanent.
[7.30.5.4 NMAC - N, 10/15/2019]

7.30.5.5 EFFECTIVE DATE: October 15, 2019 unless a later date is cited at the end of a section.
[7.30.5.5 NMAC - N, 10/15/2019]

7.30.5.6 OBJECTIVE: To establish rules that require hospitals and freestanding birth centers to provide training and education to prevent shaken baby syndrome to every parent of every newborn before discharge.
[7.30.5.6 NMAC - N, 10/15/2019]

7.30.5.7 DEFINITIONS:

- A. “Department”** means the New Mexico department of health.
 - B. “Epidemiology and response division”** means the epidemiology and response division of the New Mexico department of health.
 - C. “Facility”** means both a licensed hospital and a licensed freestanding birth center.
 - D. “Licensing authority”** means the New Mexico department of health’s division of health improvement.
 - E. “Parent”** means any known individual with a mother-child relationship or father-child relationship as determined under section 40-11A-201 NMSA 1978.
 - F. “Survey”** means a monitoring visit by the licensing authority to examine a licensed facility’s premises and records and to interview the facility’s patients and staff.
- [7.30.5.7 NMAC - N, 10/15/2019]

7.30.5.8 STANDARD OF COMPLIANCE:

- A.** The degree of compliance required throughout these regulations is designated by the use of the words “shall” or “must” or “may”.
 - (1) **“Shall”** or **“must”** means mandatory.
 - (2) **“May”** means permissive.
 - B.** The words “adequate”, “proper”, and other similar words mean the degree of compliance that is generally accepted throughout the professional field by those who provide services to the public in facilities.
- [7.30.5.8 NMAC - N, 10/15/2019]

7.30.5.9 INITIAL LICENSE PROCEDURES: In the application packet for a facility’s licensure, the applicant will include an attestation letter signed by its chief administrator of the facility pledging ongoing compliance with this regulation.
[7.30.5.9 NMAC - N, 10/15/2019]

7.30.5.10 LICENSE RENEWAL: Upon submitting an annual renewal, applicants for renewed facility

licensure will include an updated attestation letter signed by the applicant's facility administrator, regardless of whether the facility submitted a letter upon initial license application or in any previous year.
[7.30.5.10 NMAC - N, 10/15/2019]

7.30.5.11 PROGRAM SERVICES: Facilities must provide training and education to prevent shaken baby syndrome to every parent of every newborn before discharging a newborn from the health facility.

- A. The training program must be approved by the department in conjunction with the university of New Mexico health sciences center department of pediatrics.
- B. The training curriculum must be in English and Spanish.
- C. Training shall include the use of shaken baby simulation dolls.
- D. The training program may be developed in-house, provided it otherwise meets the requirements of this section.
- E. Training may occur as a pre-natal or post-natal course.

[7.30.5.11 NMAC - N, 10/15/2019]

7.30.5.12 TRAINING PROGRAM APPROVAL PROCESS: The training and instructional materials must be approved by the department in collaboration with the university of New Mexico health sciences center department of pediatrics.

- A. Each facility shall submit a proposed training curriculum to the epidemiology and response division of the New Mexico department of health.
- B. The department will consult with the department of pediatrics on training materials.
- C. Once a facility receives notification from the department that the curriculum is approved by the department and the university of New Mexico, the facility may utilize the approved curriculum.

[7.30.5.12 NMAC - N, 10/15/2019]

7.30.5.13 CLIENT CLINICAL RECORD: Facilities must store paper or electronic records of the training of each parent or parents conducted under these regulations.

[7.30.5.13 NMAC - N, 10/15/2019]

7.30.5.14 REPORTING TO THE HEALTH DEPARTMENT:

- A. Annually, each hospital and freestanding birth center shall send a report to the epidemiology and response division noting the total number of births and the number of parents who attended trainings.
 - (1) The number of parents attending training shall, for statistical and reporting purposes, include only one parent per birth.
 - (2) This report is due annually by January 31 of the succeeding year.
 - (3) For a new facility, or one that did not previously track these data, the report shall include total births since the training and reporting process began for the first year.
- B. Facilities must make records of the trainings available to the licensing authority during a survey.

[7.30.5.14 NMAC - N, 10/15/2019]

HISTORY of 7.30.5 NMAC: [RESERVED]