



Brenda Fitzgerald, MD, Commissioner | Nathan Deal, Governor

2 Peachtree Street NW, 15th Floor
Atlanta, Georgia 30303-3142
dph.ga.gov

12 January 2015

NOTICE OF PROPOSED RULEMAKING
“Vital Records”
Revision to Regulation 511-1-3-.39

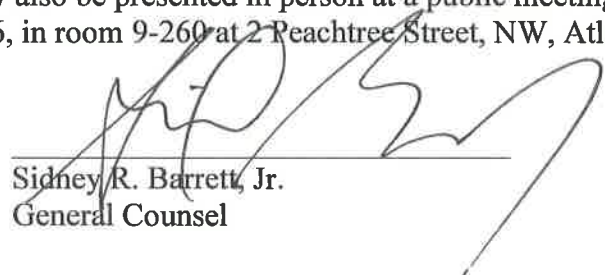
The Department of Public Health proposes the attached amendment to DPH Regulation 511-1-3-.39, pursuant to its authority under O.C.G.A. Sections 31-2A-6 and 31-10-3.

This amendment is intended to clarify the procedure for appealing the denial of a request to obtain or amend a vital record, and to establish an administrative appeal procedure for local registrars or local custodians whose appointments have been terminated by the State Registrar.

Interested persons may submit comments on these proposed revisions in writing addressed to:

Sidney R. Barrett, Jr.
General Counsel
Georgia Department of Public Health
2 Peachtree Street, NW, 15th Floor
Atlanta GA 30303

Comment may also be presented in person at a public meeting scheduled for 2:30 p.m., 11 February 2016, in room 9-260 at 2 Peachtree Street, NW, Atlanta, Georgia 30303.



Sidney R. Barrett, Jr.
General Counsel



We Protect Lives.

511-1-3-.39 Appeals and Hearings.

(1) ~~Complaints or appeals of~~ Persons seeking to obtain or amend a vital record may appeal the action or refusal to act of local custodians, registrars, or other employees of the Office of Vital Records Service, where the action or refusal to act is in the discharge of an official Vital Records function, may be made by filing an appeal in writing to with the State Registrar ~~at the Atlanta office.~~ The Complaint ~~appeal~~ must specifically identify the employee or official involved, the action or refusal to act, and must state the complainant's right or standing to complain of the action or inaction.

(2) The State Registrar will make such investigation of the ~~complaint or appeal~~ as is necessary to resolve the matter. A written decision will be issued by the Registrar, except that the State Registrar may appoint a special assistant to investigate and decide the ~~complaint~~ appeal in his or her name. ~~Judicial review of the State Registrar's decision shall be conducted in accordance with the Georgia Administrative Procedure Act, O.C.G.A. Section 50-13-19, and the decision will advise the parties of such right.~~

(3) ~~These procedures do not apply to actions or refusals to act by officials where such action or refusal is in the discharge of a duty imposed by laws other than those establishing and authorizing the State Vital Records system.~~ Local registrars or local custodians may appeal a decision of the State Registrar to rescind their appointment by filing an appeal in writing with the Department's Office of General Counsel within 30 days from the date of the decision. The appeal must state the factual grounds in support of the claim that the State Registrar has abused his or her discretion in rescinding the appointment. The Office of General Counsel shall appoint a hearing officer and schedule a hearing no later than 45 days from the date of the appeal. The hearing officer shall render a written decision no later than 30 days from the close of the hearing.

AUTHORITY: O.C.G.A. Secs. 31-2A-6, 31-10-3, 31-10-5.