



J. Patrick O'Neal, M.D., Commissioner | Nathan Deal, Governor

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19 September 2017

NOTICE OF PROPOSED RULEMAKING

Proposed Amendments to Public Health Regulations

Chapter 511-1-3 "Vital Records"

Please take note that the Department of Public Health proposes to amend certain regulations in Chapter 511-1-3 "Vital Records" pursuant to its authority under O.C.G.A. § 31-2A-6 and 31-10-3.

The proposed amendments affect seven existing regulations: DPH Rule 511-1-3-.19 would be replaced in its entirety; DPH Rules 511-1-3-.21, -.23, -.25, -.26, and -.38 would be amended; and DPH Rule 511-1-3-.20 would be deleted.

The purpose of the proposed rulemaking is to simplify the regulations and make them more comprehensive as regards the reporting of death information; to clear away obsolete language and update them to reflect the modern reality that vital events are increasingly being reported through electronic means; and to serve the public by providing for a quicker and more efficient electronic means for reporting death information.

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

The Department shall consider the adoption of this proposal, and shall provide an opportunity for public comment to be presented in person, at a public meeting scheduled for 2:00 p.m., 19 October 2017, in room 9-260 at 2 Peachtree Street, NW, 15th Floor, Atlanta, GA.



Sidney R. Barrett, Jr.
General Counsel

RULES
OF
DEPARTMENT OF PUBLIC HEALTH

CHAPTER 511-1-3
VITAL RECORDS

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511-1-3-.19 ~~Acceptance of Incomplete Death Certificate~~ Reporting of Deaths.

(1) For whom required. A report of death shall be filed for the following persons:

(a) A person who dies in this State;

(b) A person whose body is discovered in this State;

(c) A person who dies on a moving conveyance and whose body is first removed from the conveyance in this State; and

(d) A spontaneous fetal death occurring in this State.

(2) Manner of reporting. Death reports, including the certification of cause of death, shall be filed electronically with the Office of Vital Records in such manner as may be determined by the State Registrar.

(3) Information to be reported. A report of death shall include the following information, if known or ascertainable from the decedent's next of kin or the best qualified person or source available:

(a) Decedent's full legal name;

(b) Decedent's date of birth;

(c) Decedent's date of death. If the date of death is unknown, then the date on which the body was found shall be entered.

(d) Place of death.

1. If unknown, then the place where the body was found shall be entered.

2. If death occurred on a moving conveyance within the United States, then the place where the body was first removed from the conveyance shall be used.

3. If death occurred on a moving conveyance in international waters or airspace, then the

actual place of death insofar as it can be determined shall be entered.

(e) Cause of death, in accordance with subsection (5) of this Rule.

(f) Any other such information as the State Registrar may require.

(4) Who must file. The report of death shall be filed by the funeral director who first assumes custody of the body, unless a death report was previously made by the hospital or other institution in which death occurred.

(5) Cause of death. The electronic death report filed in accordance with subsections (1) through (4) of this Rule shall be supplemented by an electronic report of the cause of death. The cause of death shall be reported by:

(a) The attending physician, if the decedent is a non-resident burn victim that dies in a treatment facility in this State;

(b) The physician attending the decedent for the illness or condition which resulted in death;

(c) If there is no attending physician as provided in subsection (5)(b) of this Rule, or with such physician's approval, certification of the cause of death may be made by any of the following persons, provided they had access to the decedent's medical history, viewed the decedent at or after death, and death occurred due to natural causes:

1. A physician who is an associate of the attending physician;

2. The chief medical officer of the institution in which death occurred;

3. A physician who performed an autopsy on the decedent; or

(d) If death occurred without medical attendance, or if inquiry was required by Title 45, Chapter 16, Article 2, then by the county medical examiner or coroner.

(e) A determination of the cause of death must be made by the responsible physician, medical examiner, or coroner; however, the task of reporting that determination to the Office of Vital Records may be delegated to a person under his or her supervision.

(f) Notwithstanding any other provision of this Rule, if death occurs during a state of emergency declared by the Governor due to an influenza pandemic, then cause of death may be certified and reported by any registered nurse or physician's assistant, provided that such person had access to the decedent's medical history, viewed the decedent at or after death, and death occurred due to natural causes.

(6) When reporting is due.

(a) The report of death shall be made within three calendar days after death.

(b) Certification of the cause of death shall be made within three calendar days after death; provided, however, that if death occurred without medical attendance, or in cases subject to inquiry under Title 45, Chapter 16, Article 2, certification shall be made within 30 days after notification of death.

(c) If for any reason the cause of death cannot be determined within 48 hours after death, then "under review" shall be entered on the death report and amended promptly after the determination.

is made. Until the cause of death is certified, final disposition of the body shall not be made unless authorized by the attending physician or, with regard to a body subject to inquiry under Title 45, Chapter 16, Article 2, by the county coroner or medical examiner.

~~(1) If a death falls under the jurisdiction of the Georgia Death Investigations Act, the filing of the death certificate may be extended by the State Registrar. If the cause of death is unknown or undetermined, the cause of death shall be shown as such on the certificate.~~

~~(2) The time limit covering the registration of a death certificate falling under the jurisdiction of the Georgia Death Investigations Act shall be waived and the appropriate fee paid to the local registrar if the death certificate is filed within the 45 day time limit.~~

~~(3) If all the information necessary to complete the legal section on a death certificate is not available within the time prescribed for filing of the certificate, the funeral director shall file the certificate completed with all information that is available. In all cases the medical certification must be completed and signed by the person responsible for such certification. The funeral director or person acting as such shall provide the missing information in the form of a written statement to the local or State Registrar within 10 days after filing the death certificate.~~

AUTHORITY: O.C.G.A. Secs. 31-2A-6, 31-10-3, 31-10-15.

511-1-3-.20 Hospital or Institution May Assist in Preparation of Death Certificate Repealed.

~~(1) When death occurs in a hospital or other institution and the death is not under the jurisdiction of the coroner, the person in charge of such institution, or his or her designated representative, may initiate the preparation of the death certificate as follows:~~

~~(a) Place the full name of the decedent and the date and place of death on the death certificate, obtain from the attending physician the medical certification of cause of death and the physician's signature; and~~

~~(b) Present the partially completed death certificate to the funeral director or person acting as such.~~

~~(2) In all cases when death occurs to an infant less than one year old, the person in charge of the institution or his or her designated representative shall prepare a completed death certificate, obtain the medical certification and physician's signature, and file the death certificate with the appropriate local registrar.~~

AUTHORITY: O.C.G.A. Secs. 31-2A-6, 31-10-3, 31-10-15, 31-10-19.

511-1-3-.21 Disposition of Reports of Induced Terminations of Pregnancy.

~~(1) Reports of induced termination of pregnancy are statistical reports only and are not to be incorporated into the official records of the State Office of Vital Records. The State Registrar is authorized to dispose of such reports when all statistical processing of the records has been accomplished. However, the State Registrar may establish a file of such records so they will be available for future statistical and research projects provided such file is not made a part of the official records and the reports are not made available for the issuance of certified copies. Such file shall be retained for as long as the State Registrar deems necessary and it shall then be destroyed. The file may be maintained by photographic, electronic, or other means as determined by the State Registrar, in which case the original report from which the photographic, electronic, or other file was made may be destroyed. Reports of induced termination of pregnancy are collected solely for epidemiological purposes. Such reports may be retained for as long as the State Registrar deems necessary and then shall be destroyed.~~

(2) The provisions of this Rule shall also apply to all records of induced termination of pregnancy filed prior to the adoption of this Rule.

AUTHORITY: O.C.G.A. Secs. 31-2A-6, 31-10-3, 31-10-15, 31-10-19.

511-1-3-.23 Permits for Disposition, Disinterment and Reinterment.

(1) An authorization for disinterment and reinterment of a dead body shall be issued by the local registrar upon receipt of an order of a court of competent jurisdiction directing such disinterment, or upon receipt of a written application signed jointly by the surviving spouse, or the next of kin in the absence of a surviving spouse; the owner of the cemetery plot; and the person who is in charge of the disinterment.

(2) Upon receipt of a court order or signed application as described above, the local registrar may issue one authorization to permit disinterment and reinterment of all remains in a mass disinterment provided that, insofar as possible, the remains of each body be identified and the place of disinterment and reinterment specified. The authorization shall be permission for disinterment, transportation, and reinterment.

~~(3) The local registrar may appoint other deputy registrars to issue disposition permits as provided by O.C.G.A. Section 31-10-20. Such disposition permits shall be made available in the county where the death or fetal death occurred, or body or fetus was found, 24 hours a day, seven days a week. The local registrar shall make arrangements to ensure that disposition permits may be issued 24 hours a day, seven days a week. For this purpose, the local registrar may appoint local persons or entities, including hospitals, hospices, and funeral homes, to serve as deputy local registrars for the limited purpose of issuing disposition permits in accordance with this Rule.~~

(4) A disposition permit shall not be issued until the cause of death has been certified by a person authorized to do so under DPH Rule 511-1-3-.19(5) or, with regard to a body subject to inquiry under Title 45, Chapter 16, Article 2, until the county coroner or medical examiner has given approval for disposition.

AUTHORITY: O.C.G.A. Secs. 31-2A-6, 31-10-3, 31-10-20, 31-10-23.

511-1-3-.25 All Other Amendments.

(1) Unless otherwise provided in these Rules or by Statute, all other amendments to a vital record after the first year of the event shall be supported by:

(a) An affidavit setting forth:

1. Information to identify the certificate;
2. The incorrect data as it is listed on the certificate;
3. The corrected entry as it should appear;
4. An abstract of the evidence which substantiates the amendment of the certificate.

(b) One or more items of documentary evidence which support the alleged facts, acceptable under Rule 511-1-3-.10 and which were established at least five years prior to the date of application for amendment or within seven years of the date of the event.

(2) If the record is for a child less than twelve years of age, the documentary evidence must be at least five years old or not more than three years after the date of birth shown on the certificate. In all cases, documents submitted must have been created at least one year prior to application for amendment.

(3) Correction of the spelling of a surname requires one document which has been in existence prior to the registrant's seventh birthday, and shows the correct spelling of the parents' surname.

(4) The affidavit required to correct a birth or spontaneous fetal death certificate under the provisions of this Rule, may be accepted from one of the parents, the legal guardian, or a registrant who has reached the age of majority in the case of birth correction.

(5) The affidavit to correct a death certificate under the provisions of this Rule may be accepted from the informant, the funeral director responsible for completing the certificate, the person who originally certified cause of death, or a family member of the decedent.

(6) The State Registrar or, his or her designee, shall evaluate the evidence submitted in support of any amendment, and shall determine whether an amendment should be allowed. If the evidence submitted is rejected, the State Registrar, or his or her designee, shall inform the applicant of the rejection and the reasons for the rejection in writing. The applicant shall be advised of the right to appeal under Rule 511-1-3-.39.

(7) The State Registrar may establish additional written procedures for documentary evidence requirements to substantiate all requested amendments for birth certificates, spontaneous fetal death certificates and death certificates.

AUTHORITY: O.C.G.A. Secs. 31-2A-6, 31-10-3, 31-10-23.

511-1-3-.26 Who May Apply to Amend a Vital Record.

(1) To amend a birth certificate, application may be made by one of the parents listed on the certificate, the legal guardian, a registrant who has reached the age of majority, or the individual responsible for filing the certificate.

(2) To amend a death certificate or a spontaneous fetal death certificate, application may be made by the informant listed on the certificate, a family member, their legal representative, or the funeral director ~~or person acting as such~~ who signed the death certificate or spontaneous fetal death certificate. Application to amend the cause of death may be made only by the physician who originally certified cause of death, the attending physician of the decedent, or the coroner or medical examiner. ~~If the application is made by the coroner, a new certificate may be completed by the coroner and filed.~~

(3) Requests to amend applications for a marriage license or certificates of marriage shall be made to the Judge of the Probate Court of the county in which the license was issued.

(4) Requests to amend reports of divorce shall be made to the Clerk of the Superior Court of the county in which the decree was granted.

(5) To amend a Report of Induced Termination of Pregnancy, a signed statement must be received from the person in charge of the clinic or institution from which the report was prepared, stating in what manner the report has been corrected.

AUTHORITY: O.C.G.A. Secs. 31-2A-6, 31-10-3, 31-10-23.

511-1-3-.38 Transmittal of Certificates and Reports.

(1) ~~When a completed certificate of live birth, death, or spontaneous fetal death is filed with a local registrar, these certificates shall be transmitted to the State Office of Vital Records within ten days of receipt by the local registrar.~~ Unless otherwise provided in this Chapter, a completed report of live birth, death, or spontaneous fetal death filed with a local registrar shall be transmitted to the State Office of Vital Records within two business days of receipt by the local registrar.

(2) Each official issuing marriage licenses shall forward to the State Office of Vital Records, before the tenth day of each month, the following information with respect to each completed marriage licenses returned to such official during the preceding month: gender, date of birth, number of marriage (e.g., first, second, third, etc.), and the first, middle, and last name of each party; city, county, and date of ceremony; name, title, and address of officiator; and name of probate judge or clerk.

(3) The Clerk of Superior Court shall complete and forward to the State Office of Vital Records, before the tenth day of each month, the following information with respect to each divorce, dissolution of marriage, or annulment decree granted during the preceding calendar month: civil action number; date of divorce decree; county of issuance; gender, date of birth, county of residence, number of marriage (e.g., first, second, third, etc.), and the first, middle, and last name of each party; original date of marriage; and number of children under 18 years of age.

(4) The Clerk of the Superior Court shall complete and forward to the State Office of Vital Records, before the 15th day of each month, all completed certificates of adoption, annulments of adoption, and amendments of decrees of adoption which were entered in the preceding calendar month.

AUTHORITY: O.C.G.A. Secs. 31-2A-6, 31-10-3, 31-10-9.