



Brenda Fitzgerald, MD, Commissioner | Nathan Deal, Governor

2 Peachtree Street NW, 15th Floor
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dph.ga.gov

29 January 2015

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

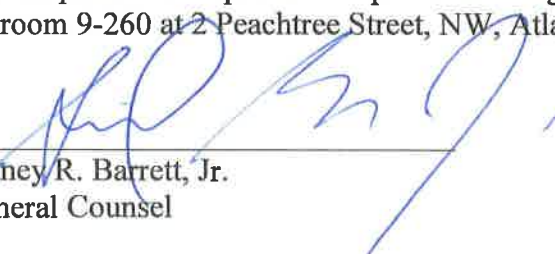
The Department of Public Health proposes the attached amendment to DPH Regulation 511-1-3-.39, pursuant to its authority under O.C.G.A. Sections 31-2A-6 and 31-10-3.

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. This proposal incorporates comments to an earlier draft posted on 12 January 2016.

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) Persons seeking to obtain or amend a vital record may appeal the action or refusal to act of local custodians, registrars, or employees of the Office of Vital Records, by filing an appeal in writing with the State Registrar. The 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 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 appeal in his or her name.

(3) The appointment of a local registrar or local custodian may be revoked for cause in the discretion of the State Registrar. A decision by the State Registrar to revoke an appointment may be appealed by filing a request 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 appeal shall be immediately referred to the Office of State Administrative Hearings for hearing in accordance with Code Section 50-13-41. Prior to hearing by OSAH, the appellant may request a conference with the State Registrar before a member of the Board of Public Health appointed to serve as mediator. The purpose of the conference is to discuss any issues in dispute, to present any additional matters relevant to the State Registrar's decision, and to seek settlement. As a result of the conference, the mediator may recommend that the State Registrar's decision be affirmed, modified, or rescinded. If the matter is not settled by agreement of the parties, then the matter shall proceed to hearing before OSAH.

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