

Arch A. Moore, Jr.  
Governor



David K. Heydinger, M.D.  
Director

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# State of West Virginia

1986 OCT 17 PM 2:45

DEPARTMENT OF HEALTH  
CHARLESTON 25305

SECRETARY OF STATE

## NOTICE OF PUBLIC HEARING OR COMMENT PERIOD ON PROPOSED RULE

AGENCY: Health Department

NEW RULE:        AMENDMENT TO EXISTING RULE:   X  

RULE TYPE: Legislative

RULE TITLE: Vital Statistics Amendment

A public hearing on the above proposed rule will be held at 10:00 a.m. on November 17, 1986, in the Conference Room, P & G Building, 2019 Washington Street, East, Charleston, West Virginia 25305.

Comments are limited to: Oral        Written   X   Both       

This proposed amendment clarifies the current Vital Statistics Rule concerning disclosure of information from birth certificates of children born out-of-wedlock.

Comments may be mailed to: Regulatory Services Division, West Virginia Department of Health, 1800 Washington Street, East, Charleston, West Virginia 25305.

Comments may be delivered in person at the hearing or to: Room 7, Second Floor, P & G Building, 2019 Washington Street, East, Charleston, West Virginia not later than 4:30 p.m., November 17, 1986.

The issues to be heard shall be limited to the proposed amendments.

To obtain copies: Write the Regulatory Services Division at the above address or call at (304) 348-3223 or contact the Administrative Law Division, Office of the Secretary of State, Capitol Complex, Charleston, West Virginia 25305, telephone (304) 345-4000.

David K. Heydinger, M.D.  
Director of Health

FISCAL NOTE FOR PROPOSED RULES

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1936 OCT 17 PM 2:45

Rule Title: Vital Statistics

OFFICE OF THE SECRETARY OF STATE

Type of Rule:  Legislative  Interpretive  Procedural

Agency Health Department Address 1800 Washington Street  
Charleston, WV 25305

| 1. Effect of Proposed Rule | ANNUAL   |          | FISCAL YEAR |      |            |
|----------------------------|----------|----------|-------------|------|------------|
|                            | Increase | Decrease | Current     | Next | Thereafter |
| Estimated Total Cost       | \$       | \$       | \$          | \$ 0 | \$ 0       |
| Personal Services          |          |          |             |      |            |
| Current Expense            |          |          |             |      |            |
| Repairs and Alterations    |          |          |             |      |            |
| Equipment                  |          |          |             |      |            |
| Other                      |          |          |             |      |            |

2. Explanation of above estimates.

The proposed amendments will create no additional cost.

3. Objectives of these rules:

To clarify the current Vital Statistics Rule concerning disclosure of information from birth certificates of children born out of wedlock.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

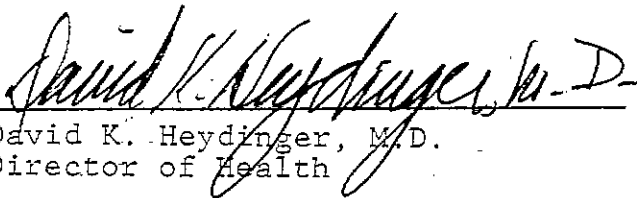
None.

C. Economic Impact on Citizens/Public at Large.

None.

Date August 1, 1986

Signature of Agency Head or Authorized Representative

  
David K. Heydinger, M.D.  
Director of Health

PROPOSED RULE ABSTRACT  
WEST VIRGINIA BOARD OF HEALTH

FILED  
1005 OCT 17 PM 2:45  
SECRETARY OF STATE

TITLE: Vital Statistics

TYPE: Legislative Rule

NUMBER: Series 32

AUTHORIZING CODE: Chapter 16-1, Article 5, Section 3

RELATED CODE: Chapter 16-1, Article 16-5-26

ABSTRACT: This proposed amendment clarifies the current Vital Statistics Rule concerning disclosure of information from birth certificates of children born out of wedlock.

CONTACT PERSON: Judy Smith, Regulatory Services Division, 348-3223

RESPONSIBLE DIVISION: Vital Statistics Registration, 348-2931,  
Art Barthelmess, State Registrar

FILED  
1986 OCT 17 AM 2:45  
STATE OF WEST VIRGINIA  
SECRETARY OF STATE

(PROPOSED)

TITLE 64

WEST VIRGINIA LEGISLATIVE RULES  
DEPARTMENT OF HEALTH

Vital Statistics

Series 32

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For Public Review and Comment (November 17, 1986)

TITLE 64

PROPOSED AMENDMENT OF  
WEST VIRGINIA LEGISLATIVE RULES  
DEPARTMENT OF HEALTH

Series 32

FILED

1996 OCT 17 PM 2:45

OFFICE OF THE CLERK  
WEST VIRGINIA  
STATE

Title: Vital Statistics

Note: The amendment applies only to Section 11 of the present rule and only that Section is presented herein. Subsection 11.1(a)(4) is to be added to the current rule; underlining indicates text to be added to the rule.

Section 11. Disclosure of Data; Certified Copies

11.1. Disclosure of Data

(a) The state registrar shall permit the inspection of a record, or issue a certified copy of a record, or part thereof, only when he is satisfied that the applicant therefor has a direct and tangible interest in the content of the record and that the information contained therein is necessary for the determination of a personal or property right.

(1) In the case of birth records, a request from the registrant, a member of his immediate family, his guardian, or their respective legal representatives shall be considered to be a direct and tangible interest. In the case of a death or fetal death record, a request from a surviving relative, or his legal representative shall be considered to be a direct and tangible interest. In the case of marriage and divorce records, a request from the parties married, their adult children or their legal representatives shall be considered to be a direct and tangible interest.

(2) For the purpose of securing and obtaining certified copies of vital records, the term "legal representative" shall include an attorney, physician, funeral director, insurance company, or an authorized agency acting in behalf of the registrant or his family.

(3) For the purposes of securing and obtaining data from vital records, requests from natural parents of adopted children, in the absence of a court order, and requests from commercial firms or agencies requesting listings of names and addresses shall not be considered to be a direct and tangible interest.

(4) In the case of birth records of a child born out of wedlock, a request from the child, the mother or the legal father, as identified pursuant to the procedures set forth in West Virginia Code §48A-6-1 et seq. and §16-5-17 and in Section 7.2 of this regulation, shall be considered to be a direct and tangible interest. Providing a complete certified copy of a birth certificate in these circumstances, including information identifying the mother and the legal father, if any, is not a prohibited disclosure within the meaning of West Virginia Code §16-5-26(c).

(b) The state registrar may permit use of data on vital statistics records for research purposes, subject to conditions the state registrar may impose to insure that the use of the data is limited to such research purposes.

(c) The state registrar may disclose data from vital statistics records to federal, state, county or municipal agencies of government which request such data in the conduct of their official duties: Except that information on vital statistics records indicating a birth occurred out-of-wedlock may not be disclosed unless it can be shown that the information is needed to secure some benefit or privilege for the registrant and that the welfare of the registrant will not be compromised. Also such information may be made available for the official purposes of federal, state, county and municipal agencies charged by law with the duty of detecting or prosecuting crime, preserving the internal security of the United States, or for the determination of citizenship.

(d) Whenever it shall be deemed necessary to establish an applicant's right to information from vital statistics records, the state registrar shall require written application, identification of the applicant, or a sworn statement.

11.2. Certified Copies - Under the provisions of Section 16-5-27 of the Code of West Virginia and this regulation, certified copies of vital statistics certificates may be prepared and issued by the state registrar.

(a) Full and complete certified copies of vital records may be made by mechanical, electronic or other reproductive processes, except that the medical and health data on birth and fetal death certificates, other than the cause of fetal death, shall not be included except by court order.

(b) When a certified copy is issued, each certification shall contain a statement certifying that the facts are the true facts recorded in the issuing office; the date issued; the name of the issuing office; the registrar's signature or an authorized facsimile thereof; and the seal of the issuing office.

(c) Confidential verifications of the facts contained in vital statistics records may be furnished by the state registrar to any federal, state, county or municipal government agency or other agency representing the interest of the registrant. Such confidential verifications shall be on forms prescribed and furnished by the state registrar or on comparable forms furnished by the requesting agency and acceptable to the state registrar; or, the state registrar may authorize the verification of such data in other ways when it shall prove in the best interests of the state division of vital statistics.

(d) No data shall be furnished from records for research purposes until the state registrar has prepared in writing the conditions under which the records may be used and received an agreement signed by a responsible agent of the research organization agreeing to meet with, and conform to, such conditions.

11.3. Fees - The fee to be charged by the state registrar shall be one dollar for each certified copy of a vital statistics record, or for a search of the files when no record is found.