

Arch A. Moore, Jr.  
Governor



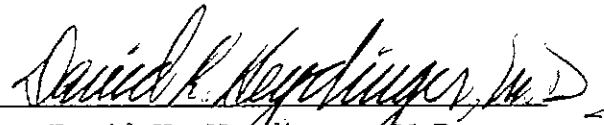
David K. Heydinger, M.D.  
Director

# State of West Virginia

DEPARTMENT OF HEALTH  
CHARLESTON 25305

## NOTICE OF AGENCY APPROVAL

LEGISLATIVE RULE: Vital Statistics (Amendment), West Virginia Department of Health Legislative Rule, Series 32, 1986. The attached legislative rule amendment constitutes the official rule amendment approved by the Board of Health on the 21st day of November, 1986 and filed pursuant to law with the West Virginia Secretary of State and the Legislative Rule-Making Review Committee.

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

OFFICE OF THE DIRECTOR  
DEPARTMENT OF HEALTH  
1986 DEC -9 AM 10:51  
FILED

FISCAL NOTE FOR PROPOSED RULES

FILED  
1993 OCT 17 PM 2:45

Rule Title: vital Statistics

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.

FILED  
1993 DEC -9 AM 10:52

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.

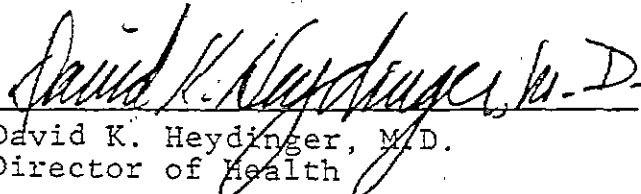
None.

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

DATE: November 24, 1986

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Health Department

LEGISLATIVE RULE TITLE: Vital Statistics

1. Authorizing statute(s) citation Chapter 16, Article 5,  
Section 3

2. a. Date filed in State Register with Notice of Hearing:  
October 17, 1986

b. What other notice, including advertising, did you  
give of the hearing?

Notices were mailed to all County Clerks and County Health  
Departments

c. Date of Hearing(s): November 17, 1986

d. Attach list of persons who appeared at hearing,  
comments received, amendments, reasons for  
amendments.

Attached \_\_\_\_\_ No comments received X

e. Date you filed in State Register the agency  
approved proposed Legislative Rule following public  
hearing: (be exact)

12-9-86

f. Name and phone number of agency person to contact  
for additional information:

Art Barthelmiss

State Registrar

348-2931

1986 DEC -9 10:31

FILED

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of Hearing: N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached - N/A

(PROPOSED)

TITLE 64

WEST VIRGINIA LEGISLATIVE RULES  
DEPARTMENT OF HEALTH

Vital Statistics

Series 32

---

For Filing with Legislative Rule-Making Review Committee

OFFICE OF THE CLERK  
STATE OF WEST VIRGINIA  
1952 DEC -9 AM 10:52  
FILED

PROPOSED RULE ABSTRACT  
WEST VIRGINIA BOARD OF HEALTH

FILED  
1936 OCT 17 PM 2:45  
OFFICE OF THE 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  
1936 DEC -9 AM 10:52  
OFFICE OF THE SECRETARY OF STATE

TITLE 64

PROPOSED AMENDMENT OF  
WEST VIRGINIA LEGISLATIVE RULES  
DEPARTMENT OF HEALTH

Series 32

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.

Proposed Rules  
Public Comments Received  
Discussion and Response

Rule, Title, Type and Number: Amendment to Vital Statistics, West Virginia Department of Health Legislative Rules, Series 32.

Public Hearing Date and Location: November 17, 1986, at 10:00 a.m. in the Conference Room of the P & G Building, 2019 Washington Street, East, Charleston, West Virginia.

No one appeared for the public hearing and no written comments were received. No changes have been made to the proposed amendment.

SECRETARIAT OF STATE  
FILED  
1986 DEC -9 AM 10:51