

A New Model Law for Vital Statistics

January 28, 2011 BSC Meeting

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Centers for Disease Control and Prevention
National Center for Health Statistics



Model Law Revision

Model State Vital Statistics Act and Regulations:

- Provides detailed guidance to States that are considering revision of their own State vital statistics laws and regulations.
- Promotes uniformity among states in definitions, registration practices, disclosure and issuance procedures, and in the many other functions that comprise a state system of vital statistics.
- Initially established in 1907, has been revised in 1941, 1959, 1977, 1992

Why Update?

- Security
- Electronic environment
- Assisted reproduction
- Confidentiality and disclosure
- Establishing new records of live birth
- Same-sex marriage
- COOP (Continuity of Operations Planning)

Model Law Revision Work Group

Chairperson

- Alvin T. Onaka, Ph.D.
Hawaii Department of Health

Members

- Catherine Molchan Donald
Alabama Department of Public Health
- Karen R. Hampton, J.D.
Oregon Department of Human Services
- Ronald Hyman
Colorado Department of Public Health and Environment
- Wilfredo Lopez, J.D.
Formerly , New York City Department of Health and Mental Hygiene
- Patricia W. Potrzebowski, Ph.D.
Pennsylvania Department of Health
- Steven Schwartz, Ph.D.
New York City Department of Health and Mental Hygiene
- Linette T. Scott, M.D., M.P.H.
California Department of Public Health

Centers for Disease Control and Prevention National Center for Health Statistics, Division of Vital Statistics, Registration Methods Staff

- Judy M. Barnes
- Julia L. Kowaleski
- George C. Tolson
- Dewey LaRoche

Centers for Disease Control and Prevention

- Deborah Tress, J.D.
Office of General Counsel

Functional Focus Areas

The Model Act and Regulations were divided by functional focus areas with a Work Group member assigned as lead for each area

- Registration
 - Cathy Molchan Donald
- Issuance
 - Karen Hampton
- Preservation
 - Ron Hyman
- Dissemination
 - Trish Potrzebowski
- Security
 - Linette Scott
- Authorities
 - Alvin Onaka
- Fees
 - Steve Schwartz

Objectives

- Implementation of revised Model Law and Regulations in jurisdictions
- Improved uniformity of process
- Use as a resource to support justifications for actions in the jurisdictions regarding the vital records system

Accomplishments To Date

- Surveys of NAPHSIS Membership developed by the Workgroup
 - Model Law Survey – 32 states responded
 - Issuance Survey – 35 states responded
- Other Surveys of NAPHSIS Membership used by the Workgroup:
 - Fees Charged
 - Fee Retention
 - Levying Fines
 - Verification Charges

Accomplishments To Date

- Solicitation of Comments on NCHS web site
 - Received feedback from NAPHSIS Members
 - National Archives and Records Administration
 - CSTE Subcommittee on Tribal Epidemiology
 - US Department of Justice, Witness Security Division
 - Vermont Notary Public
 - West VA Funeral Directors Association
 - American College of Nurse Midwives
 - National Funeral Directors Association
 - Lambda Legal
 - ACLU LGBT Rights Project
 - National Center for Lesbian Rights
 - Gay and Lesbian Advocates and Defenders
 - and others

Accomplishments To Date

- 2009/2010 NAPHSIS/VSCP Joint Meetings
 - Presentations
 - Roundtables
 - Town Hall
- Workgroup Meetings began in 2009
 - April, July, September, November 2009
 - January, April , July, September, November 2010

Legislative Research

- Assisted reproductive technology
- Adoption laws
- Electronic records and signatures
- Aspect of breach of confidentiality
- Same-sex parentage

Accomplishments To Date

- October/November 2010 Workgroup Webinars
 - Total of 8
- December 23, 2010 – Draft Model Law sent to NAPHSIS Membership

Accomplishments To Date

- January Webinars with NAPHSIS - Purpose
 - Provided background on development process for Draft Model Law & Regulations
 - Provided overview of changes
 - Answered clarifying questions
- Comments on current draft due from NAPHSIS Members by February 11, 2011

Timeline for 2011

- Work Group to Review Comments:
 - March (one week prior to meeting)
- Workgroup Meetings: March and April (Tentative)
- Final Draft Act and Regulations and Report sent to NAPHSIS Members: May
- Resolution presented to approve the revised Model Act and Regulations for vote: June Joint Meeting

Overview of Changes

- Act and Regulations were reviewed in the context of what we will need for the next 20 years
- Changes represent the proposed model and may be very different than current state practices
- The terminology was updated throughout and references to paper processes were removed
- Tried to clarify difference between law and regulations:
 - Law gives the authority to do something
 - Regulations are more specific on how accomplished

Huge Thank You

- NAPHSIS Committees have been critical to the development of the Model Law revision providing reviews and input to the Workgroup
 - Registration Committee
 - Statistics Committee
 - Security Committee
 - Inter-Jurisdictional Exchange Committee

Acknowledgments

- Funding for this effort is provided by the National Center for Health Statistics
- Support of Work Group and Committee meetings by the National Association for Public Health Statistics and Information Systems