

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 105. VITAL STATISTICS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. Purpose, Forms and Fees
310:105-1-3 [AMENDED]

SUMMARY:

The current rule provides a requirement for identification and establishes fees for services. The proposed amendment will require the State Department of Health to provide a list of acceptable identification to include government issued photographic identification, alternative forms of identification, and an alternative electronic process. Additionally the Department is directed to provide the legal forms that shall be used to delegate personal powers related to birth records and attestation for identity. This is required to meet the requirement in law to maintain record integrity and establish that each applicant meets the requirements set in law for release of a record. There is no change to fees requested.

AUTHORITY:

Commissioner of Health, Title 63 O.S. § 1-104; Title 63 O.S. §1-304; and Title 63 O.S. §1-323.

COMMENT PERIOD:

February 3, 2020, through March 7, 2020. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through March 7, 2020, submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on March 6, 2020, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 9AM to noon. The alternate date and time in the event of an office closure due to inclement weather is March 10, 2020, in room 1102, from 9AM to noon. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through March 7, 2020, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSONS:

Kim Bailey, General Counsel, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207; phone (405) 271-6017, e-mail KimB@health.ok.gov or Audrey C.

Talley, Rule Liaison, Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-9444 ext.56535, e-mail AudreyT@health.ok.gov.

INITIAL RULE IMPACT STATEMENT

(This document may be revised based on comment received during the public comment period.)

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 105. FEES FOR SERVICES, IDENTIFICATION
REQUIREMENTS AND CERTIFIED COPIES**

1. DESCRIPTION:

This 310:105-1-3 rule change will formalize the Department’s responsibility to determine a list of acceptable identification and to provide the legal forms that shall be used to delegate personal powers related to birth records and attestation for identity. 63 O.S. §§ 1-304, 1-323.

2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:

This rule change will affect applicants of birth records. Title 63 O.S. § 1-323 establishes a list of who may apply for records. It is necessary to provide a list of IDs which may be used to verify the requirements of law have been met and thus protect the integrity of the records and assure proper use. The Department must provide forms which fully identify the parties involved, the record in question, the authority to delegate, and the specific action requested.

3. DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:

This rule change will preserve the integrity of the record as required by law and ensure proper use by preventing unintended or fraudulent actions which could harm the subject of the record.

4. ECONOMIC IMPACT, COST OF COMPLIANCE AND FEE CHANGES:

This rule change has no economic impact, cost to comply or fee change.

5. COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY.

The cost to the Department to implement this rule change will be minimal. A list of identifications will be prescribed and forms for delegation and attestation will be developed and posted on the OSDH website.

6. IMPACT ON POLITICAL SUBDIVISIONS:

There will be no impact on political subdivisions and it will not require their cooperation in implementing or enforcing the proposed amendment.

7. ADVERSE EFFECT ON SMALL BUSINESS:

There is no known adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

8. EFFORTS TO MINIMIZE COSTS OF RULE:

There are no less costly means currently identified.

9. **EFFECT ON PUBLIC HEALTH AND SAFETY:**

This rule change will assure applicants are identified as eligible to obtain or modify a record. A birth record is the base document from which virtually all other identities are created. This will decrease the risk for those born in Oklahoma of having their base identity record fraudulently or inadvertently released or modified and will reduce the risk of financial and emotional harm.

10. **DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:**

Failure to adopt this rule will keep the Department from acting with due diligence to meet the requirements established in law to preserve the integrity of the records and ensure proper use. To comply with state law, it is necessary to firmly establish the identity of an applicant. The provision of forms will firmly establish that the applicant has the proper legal authority, that the specific unique record is identified, any delegation of power is clearly indicated as to who the parties are, and that the action requested of the Department is clear.

11. **PREPARATION AND MODIFICATION DATES:**

This rule impact statement was prepared on November 22, 2019.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 105. VITAL STATISTICS**

SUBCHAPTER 1. PURPOSE, FORMS, and FEES

§ 310:105-1-3 Fees for Services, Identification requirements and Certified Copies [AMENDED]

A. A valid, legal photographic identification by applicant or individual attesting for applicant Identification prescribed by the Department, shall be required for issuance of birth, death, and stillbirth certificates. Documentation is subject to verification with the issuing authority and shall include:

- (1) Government issued photographic identification; or
- (2) At least two alternative forms of identification; or
- (3) An alternative electronic process.

B. Alternative forms may include, but are not limited to letters from government or social agencies; pay statement; utility bills; or other items prescribed by the Department.

C. Delegation of personal legal powers to request or amend a birth certificate by an eligible applicant as established in 63 O.S. § 1-323, shall be on a form prescribed by the Department in order to protect the integrity of the records, ensure their proper use, and to efficiently administer the vital statistics system.

D. Attestation to the identity of another person who is applying for his/her own record shall be on a form prescribed by the Department.

E. Except as otherwise provided in law or regulation, the following schedule of fees is adopted for services provided, certified copies of Vital Records, or for a search of files when no copy is made:

- (1) Search of files or issuance of one (1) certified copy if record is found:
 - (A) Birth Certificates - \$15.00; additional certified copies requested - \$15.00 per copy.
 - (B) Death Certificates - \$15.00; additional certified copies requested - \$15.00 per copy.
- (2) Delayed Registration:
 - (A) Initial search of files - \$15.00
 - (B) Certified copies after establishment of delayed registration - \$40.00 (\$40.00 fee includes a \$25.00 processing fee and credit for initial \$15.00 search fee.)
- (3) Birth record substitution:
 - (A) Adoptions:
 - (i) Search of records - \$15.00
 - (ii) Certified copy after substitution - \$40.00 (\$40.00 fee includes a \$25.00 processing fee and credit for initial \$15.00 search fee.)
 - (B) Legitimations:
 - (i) Search of records - \$15.00
 - (ii) Certified copy after substitution - \$40.00 (\$40.00 fee includes a \$25.00 processing fee and credit for initial \$15.00 search fee.)
 - (C) Certificate of Foreign Born:
 - (i) Search of records - \$15.00
 - (ii) Certified copy after preparation of and/or substitution of record - \$40.00 (\$40.00 fee includes \$25.00 processing fee and credit for initial \$15.00 search fee.)
- (4) Amendments to Vital Records and Paternities:
 - (A) Initial search of birth records - \$15.00
 - (B) Certified copies of birth certificates after amended or paternity completed - \$40.00 (\$40.00 fee includes a \$25.00 processing fee and credit for initial \$15.00 search fee.) Paternities which are submitted at the time of original filing by the hospital and meet all the requirements for filing are not subject to the amendment fee.
 - (C) Search of records and certified copies of amended death certificates - \$15.00.
 - (D) Certified copies of death certificates after amendment or correction completed - \$35.00(\$35.00 fee includes a \$20.00 processing fee and credit for initial \$15.00 search fee) unless

the requested amendment is to change the medical certification data. In this case, there is no amendment fee.