

**ADOPTED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R126-12

Effective February 20, 2013

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 440.120.

A REGULATION relating to public health; revising provisions relating to certificates of death; and providing other matters properly relating thereto.

Section 1. NAC 440.165 is hereby amended to read as follows:

440.165 1. The statement of the cause of death in a medical certificate of death must be:

- (a) Written legibly; and
- (b) Expressed clearly and concisely.

2. The State Registrar or local registrar shall return a medical certificate of death to the certifier to be corrected or made more definite if the statement:

- (a) Consists of only the term “natural causes”;
- (b) Contains any other indefinite or obsolete term which denotes only the symptom of a disease or the conditions resulting from a disease;
- (c) Is illogically or confusingly written; or
- (d) Contains personal abbreviations or is written in shorthand.

3. Part I of the statement of the cause of death in the standard certificate of death approved by the United States Public Health Service may contain only the sequence of disease or the injury or other trauma directly resulting in death, as follows:

- (a) Line “A” must show the immediate (primary) cause of death;
- (b) Line “B” must show the contributory or intermediate cause of death; and
- (c) Line “C” must show the underlying cause of death.

↳ The underlying cause of death must be the last cause listed. If there is no intermediate cause, the underlying cause must be entered on line “B”. If the immediate cause and the underlying cause are synonymous, only one entry is necessary.

4. Part II of the statement of the cause of death must show the diseases, injuries or other factors which are medically or statistically significant but not directly related to the cause of death.

5. The statement of the cause of death must be submitted electronically by the certifier to an electronic death registry system approved by the Health Division of the Department of Health and Human Services and attested to by the certifier by means of an electronic signature.

6. As used in this section, “electronic signature” means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

**HEALTH DIVISION
HEALTH STATISTICS, PLANNING, EPIDEMIOLOGY AND RESPONSE
OFFICE OF VITAL RECORDS
LCB File No. R126-12**

Information Statement per NRS 233B.066

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Nevada Office of Vital Records mailed 561 questionnaires soliciting comments from funeral directors, county health officers, physicians and hospitals. 46 responses were returned.

A public workshop was held on November 1, 2012. It was held at the Nevada State Health Division Central Office in Carson City, NV and videoconference to Elko and Clark Counties. 561 copies of the “Notice of Public Workshop,” small business impact statement, small business impact questionnaire and a copy of proposed regulation changes were sent to funeral homes, physicians, county coroners, and county health officers. The “Notice of Public Workshop” was posted in the Reno Gazette Journal, the Elko Daily Free Press, and Las Vegas Review Journal as well as at the public libraries throughout the State.

46 responses were returned and a summary of the responses are:

Questionnaire Totals:	Adverse Economic Effects	Beneficial Effects	Indirect Adverse Effects	Indirect Beneficial Effects
46	6	18	6	14

Thirteen questionnaires indicated that there would be no adverse or beneficial impact to businesses.

Six questionnaires indicated there would be an **adverse economic impact** to businesses. All six responses were from physicians. The impacts noted included: two respondents stated additional time would be needed to sign electronically, two respondents stated no electronic signing equipment (computers) available, one respondent stated a negative impact on their bottom line and one respondent answered yes, but had no comments.

Eighteen questionnaires indicated there would be **beneficial effects** to businesses. Fourteen responses were from funeral homes, three from physicians and one was from a coroner’s office. Comments included: would streamline the signature process, the electronic process would save time, overhead would be reduced, faster and more efficient to serve internal and external customers and one respondent stated it would make it more clear for the physicians.

Six questionnaires indicated there would be **indirect adverse effects** to businesses. Two responses were from funeral homes and four were from physicians. The comments included: two respondents had concerns that training and education would be needed for the electronic

process, two respondents stated it would take additional time to sign, one respondent stated if physicians don't sign in a timely manner, it would slow the ability to give good service, one respondent stated less accountability for physicians and one respondent stated they would have to arrange for a computer and internet service.

Fourteen questionnaires indicated there would be **indirect beneficial effects** to businesses. Ten responses were from funeral homes, three from physicians and one from a coroner office.

The majority of the comments received noted: the electronic signature process would increase efficiencies in the death certificate registration process, due to more timely submission of signatures. Overall, the timely and efficient registration of certificates would benefit the families of the deceased because the certificates would be ready more quickly.

Copies of the summary of these questionnaires are available by contacting Steve Gilbert, Program Officer at the Nevada Office of Vital Records Bureau of Health Statistics, Planning, Epidemiology and Response 4150 Technology Way, Suite 104, Carson City, Nevada 89706. (775) 684-4162.

2. The number of persons who:
 - (a) Attended the hearing;
 - (b) Testified at each hearing; and
 - (c) Submitted to the agency written statements.
 - (a) A total of 17 members of the public attended the public workshop on November 1, 2012.

A total of 54 members of the public attended the Board of Health meeting on December 14, 2012.
 - (b) A total of 7 members of the public testified at the public workshop regarding the proposed regulations.

A total of 1 member of the public testified at the Board of Health meeting regarding the proposed regulations.
 - (c) No written comments were received
3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained in the response to question #1.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.

The regulation was adopted without changing any part of the proposed regulation. The proposed regulations were written clear and precise and no changes were suggested.

5. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:
 - (a) Both adverse and beneficial effects; and
 - (b) Both immediate and long term effects.

- (a) The estimated beneficial economic effect of the proposed regulation on small businesses would be a more streamlined process for death certificate submission which would reduce business overhead and improve customer service for the residents of Nevada.

The estimated adverse economic effect of the proposed regulation on small businesses would be the increased time required to become educated and trained to be able to sign a death certificate electronically. Small businesses may have additional expenses to purchase a computer and get internet service if one is not already available.

- (b) The immediate effect of the proposed regulation would streamline the signature process for the physicians and funeral home. The immediate economic impact will be thought the time savings and overhead costs associated with getting the physicians signature on the death certificate.

The long term effect of the proposed regulation will be getting all physicians to sign electronically in the State's EDRS system. This will again decrease the overall business costs associated with getting the death certificate signatures. Furthermore, the timely and efficient registration of certificates would benefit the families of the deceased because the certificates would be ready more quickly

6. The estimated cost to the agency for enforcement of the proposed regulation.

The cost to the agency will be incurred for training EDRS users on the electronic signature process. The total cost will depend on the demand.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulating federal agency.

The proposed regulations do not overlap or duplicate any other Nevada state regulations.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The proposed regulations do not duplicate federal regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The amendments do not establish any new fees or increase any existing fees.

10. If the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formulation, operation or expansion of a small business. What methods did the agency use in determining the impact of the regulation on a small business?

The estimated adverse economic effect of the proposed regulation on small businesses would be the increased time required to become educated and trained to be able to sign a death certificate electronically. Small businesses may have additional expenses to purchase a computer and get internet service if one is not already available.

The agency collected this information by mailing out a small business impact questionnaire.