

**ADOPTED REGULATION OF
THE STATE REGISTRAR OF VITAL STATISTICS**

LCB File No. R077-16

Effective November 2, 2016

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

AUTHORITY: §1, NRS 440.175 and 440.700.

A REGULATION relating to vital statistics; revising the schedule of fees charged by the State Registrar of Vital Statistics for providing certain records and for carrying out certain duties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Registrar of Vital Statistics to charge fees in an amount established by regulation by the State Registrar for providing certain records and performing certain other duties. (NRS 440.700) In addition, under existing law and regulations, a governmental organization that registers a birth or death or issues a copy of a birth or death certificate is required to remit a portion of the fees charged by the governmental organization to the State Registrar. (NRS 440.175; NAC 440.400) This regulation revises the schedule of fees charged by the State Registrar for providing certain records and performing certain other duties and revises the amount of the fees that must be remitted to the State Registrar by a health district that registers a birth or death or provides a copy of a birth or death certificate.

Section 1. NAC 440.400 is hereby amended to read as follows:

- 440.400 1. A health district shall remit to the State Registrar:
- (a) For each registration of a birth or death in its district.....\$2
 - (b) For each copy issued of a certificate of birth in its district, other than a copy issued pursuant to paragraph (a) of subsection 3 of NRS 440.175.....7
 - (c) For each copy issued of a certificate of death in its district.....~~4~~ 4

↪ *Any amount remitted to the State Registrar pursuant to paragraphs (b) and (c) is inclusive of any amount a health district remits to the State Registrar pursuant to subsection 2 or 3 of NRS 440.700, as applicable.*

2. Except as otherwise provided in NRS ~~440.175~~ and 440.700 ~~H~~ *and as applicable*, the State Registrar will, *or a local registrar may*, charge and collect the following fees:

- (a) For searching the files for one name, *regardless of whether a record is located*, if no copy is made\$10
- (b) ~~For~~ *Except as otherwise provided in paragraph (c), for verifying or witnessing a vital record or document or issuing a certified abstract of a certificate*.....10
- (c) *For electronic verification of a vital record through the Electronic Verification of Vital Events (EVVE) system*2
- (d) For establishing and filing a record of paternity ~~H~~ *with the State Registrar*, other than a hospital-based paternity, and providing a certified copy of the new record40
- ~~(d)~~ (e) *For establishing and filing a record of paternity with the State Registrar, other than a hospital-based paternity, where the record of paternity is filed by the Division of Welfare and Supportive Services of the Department of Health and Human Services and a certified copy of the new record is not provided*10
- (f) For a certified copy of a record of birth20
- ~~(e)~~ (g) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.02520

(f) (h) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025.....	20
(g) For	
(i) <i>Except as otherwise provided in paragraph (j), for</i> correcting a record on file with the State Registrar and providing a certified copy of the corrected record	40
(h) (j) <i>For correcting a record on file with the State Registrar where the correction is filed by a certifier and the State Registrar determines that the correction is not the result of an error by the certifier</i>	<i>10</i>
(k) For replacing a record on file with the State Registrar and providing a certified copy of the new record.....	40
(i) (l) For filing a delayed certificate of birth <i>with the State Registrar</i> and providing a certified copy of the certificate	40
(j) (m) For the services of a notary public provided by the State Registrar	2
(k) (n) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State	200
(l) (o) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.....	100
(m) (p) For compiling data files which require specific changes in computer programming.....	500

DIVISION OF PUBLIC & BEHAVIORAL HEALTH
PREPAREDNESS, ASSURANCE, INSPECTIONS AND STATISTICS
OFFICE OF VITAL RECORDS AND STATISTICS
LCB File No. R077-16

Informational Statement per NRS 233B.066

1. A clear and concise explanation of the need for the adopted regulation;

The proposed regulations to Nevada Administrative Code 440 relating to Vital Statistics fees amend and modify existing language to make fee regulations more clear, current and compatible with industry standards and current practices of the Office of Vital Records program.

2. 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;

The Division of Public and Behavioral Health (DPBH) has held several opportunities for the public, small businesses and stakeholders to provide input and comments regarding the proposed regulations, including the economic impact the proposed regulations may have on small businesses and the public. A small business impact questionnaire was mailed or emailed to users of the Vital Records System, Funeral Homes, County Coroners / Medical Examiners, Clark County Health District, Washoe County Health District, the Nevada Board of Medical Examiners, Nevada Funeral and Cemetery Services Board, Nevada Nursing Board, Nevada State Medical Association, Clark County Medical Society, Clark County Vital Records Office, Washoe County Vital Records Office, Catholic Charities Adoption Services, The Church of Jesus Christ of Latter-Day Saints Family Services, US Adult Adoption Services, Gender Justice Nevada, Transgender Allies Group, American Civil Liberties Union, Surratt Law, and The Harvey Law Group along with a copy of the proposed regulation changes, on May 25, 2016.

Five responses were received out of 146 Small Business Impact Questionnaires distributed. The only negative comments received, indicated that it would have an indirect adverse effect upon their business. The respondent indicated government organization dislikes, but it wasn't specific to the regulations.

A small business impact statement was prepared and made available on June 22, 2016. The DPBH concluded the proposed regulations will produce negligible impact on small businesses. The Division of Public and Behavioral Health developed regulations that would not be unduly burdensome on small businesses, such as midwives, funeral homes and medical offices. Overall, small businesses in the State of Nevada appear not to be impacted by the proposed regulations.

A Public Workshop was conducted Thursday July 7, 2016, via videoconference, in Carson City at the Division of Public and Behavioral Health, 4150 Technology Way, Room 303, Carson City, Nevada, 89706 and in Las Vegas at the Rawson-Neal Psychiatric Hospital.

The Southern Nevada Health District provided written testimony to request additional language regarding clarification of fees in LCB file no. R077-16, which may be applicable to them. The additional language was proposed in a revision.

There was no other public comment on the proposed regulations.

The State Board of Health meeting was conducted on Friday September 9, 2016. There was no public comment on the proposed regulations.

Other interested parties can find proposed regulations and the small business impact statement on our website at:

http://dpbh.nv.gov/Programs/BirthDeath/Birth_and_Death_Vital_Records_-_Home/

- 3. A statement indicating the number of persons who attended each meeting or workshop, testified at each hearing, and submitted written statements regarding the proposed regulation. This statement should include for each person identified pursuant to this section that testified at each hearing and/or submitted written statements regarding the proposed regulation, the following information, if provided to the agency conducting the hearing or workshop:**
 - (a) Name**
 - (b) Telephone Number**
 - (c) Business Address**
 - (d) Business telephone number**
 - (e) Electronic mail address; and**
 - (f) Name of entity or organization represented**

Susan Zannis – 280 S Decatur – SNHD – Vistal Statistics Supervisor

John Fudenberg – 1704 Pinto Lane – CCOCME – Coroner

Paul Parker – 1704 Pinto Lane – CCOCME – Coroner

Ester Brown – 8024 Hesperides Ave

Jason Frierson – 3003 Novat St – Suratt Law Practice – Attorney

Brooke Maylath – Reno – TAG – Support

Elizabeth Tamietti – Reno – TAG – Support

Melinda Hoskins – Minden – NV ACNM – Support

Tamar Robinson – Reno – Neptune – Funeral Director

No public comment was received at the State Board of Health meeting.

- 4. A description of how comment was solicited (i.e., notices) from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

A copy of the public notice and agenda was faxed to the following locations for posting including all county libraries:

1. Division of Public and Behavioral Health, 4150 Technology Way, First Floor Lobby, Carson City
2. Nevada State Library and Archives, 100 Stewart Street, Carson City
3. Emergency Medical Systems, 1020 Ruby Vista Drive, Ste. 102, Elko

4. Southern Nevada Health District, 280 S Decatur Blvd, Las Vegas
 5. Washoe County District Health Department, 1001 E. Ninth, Building B, Reno
 6. Rawson-Neal Psychiatric Hospital, 1650 Community College Drive, Las Vegas
 7. Nevada Early Intervention Services, 3811 W. Charleston Blvd. Ste. 112, Las Vegas
- Nevada State Division of Public and Behavioral Health, Office of Vital Records web page:
http://dpbh.nv.gov/Programs/BirthDeath/Birth_and_Death_Vital_Records_-_Home/
8. Nevada Public Notice Website: <http://notice.nv.gov>

In addition, a small business impact questionnaire was mailed or emailed to users of the Vital Records System, Funeral Homes, County Coroners / Medical Examiners, Clark County Health District, Washoe County Health District, the Nevada Board of Medical Examiners, Nevada Funeral and Cemetery Services Board, Nevada Nursing Board, Nevada State Medical Association, Clark County Medical Society, Clark County Vital Records Office, Washoe County Vital Records Office, Catholic Charities Adoption Services, The Church of Jesus Christ of Latter-Day Saints Family Services, US Adult Adoption Services, Gender Justice Nevada, Transgender Allies Group, American Civil Liberties Union, Surratt Law, and The Harvey Law Group along with a copy of the proposed regulation changes, on May 25, 2016.

Five responses were received out of 146 Small Business Impact Questionnaires distributed. The only negative comments received, indicated that it would have an indirect adverse effect upon their business. The respondent indicated government organization dislikes, but it wasn't specific to the regulations.

A small business impact statement was prepared and made available on June 22, 2016. The agency concluded the proposed regulations will produce negligible impact on small businesses. The Division of Public and Behavioral Health developed regulations that would not be unduly burdensome on small businesses, such as midwives, funeral homes and medical offices. Overall, small businesses in the State of Nevada appear not to be impacted by the proposed regulations.

A Public Workshop was conducted Thursday July 7, 2016, via videoconference, in Carson City at the Division of Public and Behavioral Health, 4150 Technology Way, Room 303, Carson City, Nevada, 89706 and in Las Vegas at the Rawson-Neal Psychiatric Hospital. Six attendees provided testimony. Three were in support and the other three provided some opposition or questions. A summation of comments were as follows taken from the Public Workshop minutes:

The Southern Nevada Health District provided written testimony to request additional language regarding clarification of fees in LCB file no. R077-16, which may be applicable to them. The additional language was proposed in a revision.

There was no other public comment on the proposed regulations.

The State Board of Health meeting was conducted on Friday September 9, 2016. There were no public comment on the proposed regulations.

Other interested parties can find proposed regulations and the small business impact statement on our website at:

http://dpbh.nv.gov/Programs/BirthDeath/Birth_and_Death_Vital_Records_-_Home/

- 5. If, after consideration of public comment, 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.**

For all public comment, the Office of Vital Records addressed the only comment.

The Southern Nevada Health District requested language that fees paid for the issuance of birth and death certificates be inclusive of the fees required by Nevada Revised Statute. This practice was already happening, so clarifying language was added.

The Southern Nevada Health District requested language to include an “abstract” in the verification fee. This language was added, since Nevada Revised Statutes has an abstract birth certificate.

- 6. 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.****

There was no known economic impact, immediate or long term effects on the businesses which it is to regulate. One county government agency indicated that it would have an indirect adverse effect on their business. According to the respondent, he did not see the regulations prior to his response.

There was no known economic impact, immediate or long term effects for the public.

- 7. The estimated cost to the agency for enforcement of the proposed regulation.**

There are no anticipated costs to the agency for enforcement of the regulations.

- 8. 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 other state or government agencies.

- 9. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions; and**

The proposed regulations are not more stringent than federal regulations.

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

The proposed regulations proposes 4 new fees. No additional revenue will be generated by these fees.

1. \$10.00 fee for the Department of Welfare and Supportive Services. This fee is usually \$40.00, but we requested it to be lowered to meet current office practices.
2. \$10.00 fee for a certifier when the amendment isn't due to an error on the certifier's part. This fee is usually \$40.00, but we requested it to be lowered to be fair and for the need for accurate data.
3. \$2.00 fee for the Electronic Verification of Vital Events (EVVE). The current practice is to charge \$10.00 as a verification. This fee is very high for current industry standards. The industry standard is \$2.00 or less.
4. The fee for a death certificate issued by a county was increased from \$1.00 to \$4.00. For several years, the county has been paying the \$4.00 fee, so the increase is to make it consistent with current practices. No revenue is maintained by our office as \$3.00 of it goes to the Children's Trust Fund and \$1.00 to the Death Review Committee.