

DIVISION OF PUBLIC & BEHAVIORAL HEALTH
PREPAREDNESS, ASSURANCE, INSPECTIONS AND STATISTICS
OFFICE OF VITAL RECORDS AND STATISTICS
LCB File No. R066-16

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 amend and modify existing language to make regulations more clear, current and compatible with the intent and scope of the Office of Vital Records program. The proposed regulations are designed around current industry standards and practices and to help establish a balance between customer service and the integrity of vital records. The balance between customer service and the integrity of vital records is sometimes challenging especially, knowing that a gateway to fraud and identity, is through the birth and death records that the Office of Vital Records maintains. Even though the recommended amendments, modifications or additions may slightly effect customer service or the integrity of records, it is done so to improve both aspects with minimal impact to the each other.

The proposed regulations are designed to also improved timeliness and quality of data.

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. 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:

1. The Moapa Valley Mortuary was against the time limit in section 18 in which a funeral home can request a death certificate. He indicated that the proposed change is counter-productive and is taking a service away from the families.
2. A member of the public had an issue with obtaining a death certificate. She waited several weeks for the certifier to sign the record. She said that there should be provisions to cover this and it should be no more than 24 hours.
3. A midwife had a question regarding section 2 and the definition of “immediately” for homebirths. She said that many hours after birth a baby may need to be taken to the hospital for further evaluation.

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.

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1. The Moapa Valley Mortuary was against the time limit in section 18 in which a funeral home can request a death certificate. He indicated that the proposed change is counter-productive and is taking a service away from the families.
2. A member of the public had an issue with obtaining a death certificate. She waited several weeks for the certifier to sign the record. She said that there should be provisions to cover this and it should be no more than 24 hours.
3. A midwife had a question regarding section 2 and the definition of “immediately” for homebirths. She said that many hours after birth a baby may need to be taken to the hospital for further evaluation.

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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 two of the three public comments.

The Moapa Valley Mortuary was against the time limit in section 18 in which a funeral home can request a death certificate. He indicated that the proposed change is counter-productive and is taking a service away from the families.

The proposed concern was discussed with Moapa Valley Mortuary. It was agreed to extend the time frame by two months and still allow another avenue for them to assist their customers, which was their main concern.

A member of the public had an issue with obtaining a death certificate. She waited several weeks for the certifier to sign the record. She said that there should be provisions to cover this and it should be no more than 24 hours.

There are provisions existing in section 25 regarding a time frame for certifiers to sign a record. The current regulations have a 48 hour time frame. The Office of Vital Records felt that lowering the time frame to 24 hours would be burdensome on certifiers.

A midwife had a question regarding section 2 and the definition of immediately for homebirth. She said that many hours later she may have to have a baby taken to the hospital for further evaluation.

A revision to the proposed regulations to clarify the word “immediately” was proposed.

- 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.**

There are no fees in the proposed regulation.