

**Testimony**  
**House Bill 1116**  
**Senate Human Services Committee**  
**Monday, March 23, 2015; 9:30 a.m.**  
**North Dakota Department of Health**

Good morning, Chairman Lee and members of the Human Services Committee. My name is Darin Meschke. I am the State Registrar and the Director of the North Dakota Department of Health's Division of Vital Records. I am here today to provide testimony in favor of House Bill 1116.

The Division of Vital Records is required by state law to register and certify all vital events that occur in the state. These include births, deaths, fetal deaths, marriages, divorces and abortions. The purpose of this bill is to update the Health Statistics Act based on current state practices and to reflect a recent update to the national model law governing vital records registration, which was initially released in 2011.

The first of these changes is a modification to the definition of a Fetal Death, starting at the bottom of page 1, on line 24. This change was made by the House Human Services committee for consistency related to the duration of a pregnancy before it can be considered a fetal death. I will readdress this change later in my testimony when we get to the portion of the bill that talks about fetal deaths in more detail. The department concurred with the House Human Services committee regarding this change.

The next proposed change to a definition is on page 2, line 24, and it creates a new definition for an entity with a personal property interest regarding a vital record. Certain entities, including pension plans and insurance companies, need death record information to finalize accounts, and many times no eligible family member is available to obtain that information for the entity. This new definition will allow these entities to make the request for the certified copy directly to our office.

The next set of changes starts on page 3, line 22, and deals with the registration of a birth that occurs outside of a hospital setting. The change the department is requesting requires that the birth forms be filed in our office within thirty days after the date of birth. These forms are necessary to document the three major facts of birth, which include that the mother was pregnant, the baby was born alive, and the birth occurred in our state. We want to make this process as simple

as possible for these parents, keeping in mind we still need to document the facts of birth to ensure proper and accurate registration.

Starting on line 26, still on page 3, the bill has been modified to remove the reference to “a person” and replace that with the language “an individual”. This change occurs again on line 27, 28 and 30. Legislative Council has been making this change to be consistent across state century code where it is applicable.

The next change is in the middle of page 4, on line 21, and it clarifies the “in writing” requirements for the paternity acknowledgment form to more closely follow current practice. This is simply clarifying language and does not change the requirement of the law.

The next change at the bottom of page 4, line 28, removes the requirement for an unmarried couple to choose one of their current surnames for the child. This change will allow these parents to choose any surname for the child, and that process is complete when they fill out the acknowledgment of paternity form and choose the name of the child. Currently, a married couple can select any surname for their child, and this change gives an unmarried couple those same rights.

The next two changes on page 5 deal with minor revisions to the process regarding the delayed registration of a birth. The first change on line 18 gives our office the ability to dismiss a request for a delayed filing that is not being actively pursued, one year sooner. Our experience shows that once a person starts the process of trying to file a delayed registration of birth, it normally takes a few months for the person to gather all the required documentation and for our office to file the record. If a request is not processed within those first few months, the request goes dormant and is never filed because we do not hear back from the client. If they stop contacting us, we simply want to be able to dismiss the request after one year to keep our files current. If the client is actively working with our office and the process takes more than a year, then we will continue to help them file the record. This would only be for records that are not active.

The other change regarding a delayed registration is the addition of a new subsection on line 20. This is a fraud prevention measure, which is recommended in national model law and would allow our office to reject any request to create a new birth record for someone who has been deceased for more than one year. Birth certificate fraud is much more prevalent than it has been in the past, and this change would add a fraud-prevention step to help stop people from creating birth records to be used as fraudulent identities when we know the individual is deceased.

The next set of changes deals with death registration and start on page 6, line 4. This change reduces the maximum number of days required to file the medical certification of death from 15 down to 10. Since we implemented the electronic death registration system in 2008, we have found that 75 percent of our deaths are reported within 10 days, and this change would allow families to receive full death certificates five days earlier than is currently mandated. Families need these death certificates filed promptly so that they are able to take care of the final expenses and other related issues after an individual's death. This change will also allow our office to start any necessary follow up with a physician five days sooner in the event the record has not been filed. This change also occurs on lines 12 and 14 on page 6.

The change starting on the bottom of page 6, line 30, and continuing to page 7, line 1, would allow additional access to a death registration for those entities with a personal property need for information. This additional language gives those entities access to the decedent's social security number primarily for the purposes of confirming they are requesting and receiving the correct death record.

The next change on page 7, starting on line 7, deals with fetal death registration. The language in this subsection refers to the required number of weeks of gestation before a fetus can be called a fetal death. The model law requirement is twenty completed weeks or more, but our law allows for less than that when provided by rules of the state department of health. The health department does not now, nor have they ever had, to my knowledge, a rule on fetal death for less than twenty weeks. Events prior to twenty weeks gestation are referred to as miscarriages and are not registered as a vital event. We are asking for removal of that part of subsection 1 to reflect the current model law and current practice within our state and relates back to the slight modification to the definition of fetal death, which the House added for consistency.

The proposed amendments in subsections 2 and 3, listed on page 7, reflect the current electronic process for fetal death registration that has been in place since January 1, 2008. Fetal deaths are typically handled by hospital birth staff and not by a funeral director. Although the term 'death' may imply involvement of a funeral home, these events are typically registered by hospital staff and may or may not involve a funeral home. The new language in subsection 2 and the removal of subsection 3 more accurately reflects the current registration process for fetal death. Subsections 4, 5 and 6 are subsequently renumbered 3, 4 and 5 respectively. The amount of time to file the medical cause of a fetal death is also being reduced from fifteen to ten days, as was previously mentioned for death registration. These changes are reflected on page 8, lines 1 and 3.

The next change involves correcting and amending vital records, starting at line 27 on page 8. The current language refers to changing a person's name only on a vital record in response to a court order. In fact, our office will accept a court order to amend any field on a record. The proposed change more accurately reflects the current processes governing the court order requirements.

The proposed additional language on line 29, allows our office to contact the court if the information in an order is known to be false or inaccurate. This kind of error does not happen very often, but our office would like the ability to contact the courts regarding a correction instead of following an order we know to be inaccurate.

The next change on page 9, line 7, relates back to the change that gives an unmarried couple the same rights as a married couple when it comes to naming their child, this time for a fetal death. Once an acknowledgment of paternity form is filed for the fetal death, this section of law allows us to update the child's surname based on what is requested by the parents on the paternity form.

The next change on page 9, line 23, changes the time frame when a birth record becomes an open record from one hundred years to one hundred and twenty-five years. This revision is based on model law and is being requested because more people are living past their 100<sup>th</sup> birthdays and we want the confidentiality of protected birth information to apply to everyone throughout their entire life.

At the bottom of page 9, starting on line 27, the department proposes adding language for those entities which have a personal property need for a complete death registration, as was mentioned previously in other proposed revisions.

The next proposed change on page 10, line 21 allows the department of health to electronically verify our vital event information for a variety of agencies that need this information to complete their official duties. This amendment applies to federal and state government agencies; agencies that pay benefits, such as pension plans and life insurance companies; physicians who track patients lost to care; attorneys working on estates; and any other agency for the purposes of fraud prevention. This addition applies to electronic verifications and certifications only and does not apply to certified paper copies. This section also allows the department to charge a fee for this purpose if necessary.

The final change in HB 1116 concerns persons who are required to keep records. This change, starting on page 11 on line 9, adds hospitals and other institutions to the list of those who must file monthly event reports with our office. This requirement has always been in place as a check and balance to insure that we

have every birth, death and fetal death filed each month. This manual process is needed even with our new electronic systems, and this correction more accurately describes the current process.

This concludes my testimony and I would be happy to answer any questions you may have.