ARTICLE 201
BIRTHS

§201.01 Definitions.
When used in this title:
(a) "Live birth" or "birth" means the complete expulsion or extraction from its mother of a product of conception, regardless of the duration of pregnancy, which after expulsion or extraction shows evidence of life, such as breathing, beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.
(b) "Person in charge of a hospital" means the officer or employee who is responsible for the administration of a hospital or similar institution and includes but is not limited to a person holding the title of chief executive officer, administrator, superintendent, director or executive director.
(c) "Hospital" means a facility or institution licensed pursuant to Article 28 of the State Public Health Law and defined as such in §2801 of said law.

§201.03 Reporting births.
(a) When a live birth occurs in the City, it shall be reported to the Department as follows:
   (1) If the birth occurs in a hospital or route thereto, by the person in charge of such hospital or his or her designee; or,
   (2) If the birth occurs elsewhere than in a hospital or en route thereto, by the physician, licensed midwife or registered physician assistant, in attendance at or after such birth; or,
   (3) If a physician, licensed midwife or registered physician assistant attends at or after the birth elsewhere than in a hospital, or en route thereto, as an associate of a hospital, by the person in charge of the hospital with which he or she is associated or by the designee of such person in charge; or,
   (4) If the birth occurs without the attendance of a physician, licensed midwife or registered physician assistant, by either of the parents of the child or, if no parent is alive, by the next of kin of the child or any person present at the birth.
(b) A person required to report a live birth pursuant to paragraphs (1), (2) or (3) of subdivision (a) of this section shall file a certificate of birth and a confidential medical report, and a person required to report pursuant to paragraph (4) of subdivision (a) of this section shall file a certificate of birth only. Reports shall be filed within 5 business days after the birth with the office maintained and designated by the Department for such purposes.
(c) The person required to report a birth shall provide to the Department information that was required to be reported, but that was not so reported, within five business days of that person receiving the information.
(d) Upon a request by the Department for additional information that may be necessary to complete, clarify or verify the information required to be reported, the person required to report a birth shall provide such information to the Department within five business days of the request.
§201.05 Preparación y certificación de certificado de nacimiento y reporte médico confidencial.

(a) El certificado de nacimiento y reporte médico confidencial deberá ser preparado y certificado por la persona que se requiera para presentarlo de acuerdo con §201.03, pero cuando el nacimiento ocurre en un hospital o en ruta, el certificado y el reporte médico confidencial deberá ser preparado y certificado por el médico, el midwife licenciado o el asistente registrado del médico, o por un practicante de enfermería certificado o el registro del profesional de enfermería presente antes o después del nacimiento, o por un designado de la persona que está en la tarea o aprobada por el Departamento. Cuando un médico, el midwife licenciado o el asistente registrado del médico asistan a un nacimiento en un lugar diferente al hospital o en ruta, él o ella deberá preparar y certificar el certificado y reporte médico confidencial. Una persona certificando un certificado y reporte médico confidencial deberá examinar dichos documentos para verificar la información contenida en ellos y hacer cualquier cambio necesario.

(b) El certificado y reporte médico confidencial deberán ser preparados en formas prescritas por el Departamento y proporcionadas por el Departamento y no deberá hacer ninguna declaración indicando el nombre o el estatus marital de la madre o si el hijo fue nacido en o fuera del matrimonio. La persona preparando el certificado deberá entrar toda la información requerida por el formulario proporcionado por el Departamento, excepto que en caso de un hijo nacido fuera del matrimonio, dicha persona no deberá entrar el nombre del padre supuesto a menos que se presenten a la preparadora una declaración escrita verificada del consentimiento del padre supuesto de conformidad con §17-166(d) del Código Administrativo o una declaración voluntaria de paternidad de conformidad con §4135-b del Código de Salud Pública del Estado. Cuando el nacimiento ocurra en un hospital o en ruta, la información requerida por las formas se tomará de las historias de caso del hospital. En un hospital, los formularios proporcionados o aprobados por el Departamento se utilizarán en la preparación del certificado y reporte médico confidencial, y si tales formularios son utilizados por personas diferentes a un médico, un midwife licenciado, un asistente registrado de enfermería, un practicante de enfermería certificado o un asistente registrado del médico, entonces tales individuos deberán ser entrenados o aprobados por el Departamento. Los formularios se deben conservar en el hospital por un período de al menos tres años desde la fecha del nacimiento y, a petición, ser presentados al Departamento para inspección.

(c) Todos los nacimientos ocurridos en la Ciudad en instalaciones informando 100 o más nacimientos al año deberán ser reportados al Departamento electrónicamente por medio de programas de computadora especificados y proporcionados o aprobados por el Departamento. Todas las instalaciones en las cuales menos de 100 nacimientos se reportan al año pueden, a su elección y aprobación por el Departamento, implementar un sistema de reporte de certificados de nacimiento electrónico o continuar informando nacimientos en formularios aprobados por papel.

(d) Todas las instalaciones requeridas para informar certificados de nacimiento electrónicamente y las instalaciones informando menos de 100 nacimientos al año que eligen informar de manera electrónica, deben aplicar al departamento antes de implementar cualquier sistema y, una vez aprobado por el Departamento, informar electrónicamente informes de nacimientos y, a partir del 1 de enero de 2014, declaraciones de paternidad, únicamente de la manera prescrita y en los programas de computadora prescritos y proporcionados o aprobados por el Departamento. Las instalaciones sujetas a esta obligación deben conservar las declaraciones de paternidad reportadas electrónicamente por un período de al menos tres años desde la fecha del nacimiento y deben permitir la inspección de estos registros por el Departamento al ser solicitado.
§201.07 Confidential medical report of birth; not subject to compelled disclosure subpoena or inspection.

(a) The confidential medical report of birth shall be confidential and not subject to compelled disclosure or to inspection by persons other than the Commissioner or authorized personnel of the Department, except in a criminal action or criminal proceeding, or for official purposes by a federal, state, county or municipal agency charged by law with the duty of detecting or prosecuting crime. The Commissioner may, however, approve the inspection of such medical reports for scientific purposes.

(b) Within the context of this section, scientific purposes shall mean epidemiologic surveillance and investigation by a governmental public health agency, research, or the compilation of statistics relating factors bearing on disease incidence, prevalence, mortality or treatment.

§201.09 Foundlings.

(a) The report of the finding of a child whose parents are unknown, filed by the Commissioner of the City Administration for Children's Services in accordance with the provisions of subdivision two of §398 of the State Social Services Law, shall constitute the birth record of such child.

(b) The address or location where such child was found shall be considered as the place of birth, and the date of birth shall be that determined by the Commissioner of the City Administration for Children's Services as the approximate date of birth.

(c) If, however, such child is subsequently identified, and a certificate of birth for such child has been duly filed either before or following identification, the report of the Commissioner of the City Administration for Children's Services shall be placed under seal by the Department, and such seal shall not be broken except upon order of a court of competent jurisdiction.

§201.11 Delayed registration of birth.

(a) When a birth in the City is not recorded in the Department within one year following the birth, it may be recorded with the approval of the Commissioner or the Commissioner's designee. Application for such delayed registration shall be made on a form furnished by the Department by the parents or surviving parent, or by the guardian of the person whose birth is to be recorded, if such person is a minor, or by the person himself or herself if he or she is 18 years of age or over and his or her parents are dead. The application shall be accompanied by the following:

(1) A certified statement issued by the Department that a search was made for the record of birth in question and that such record was not found; and

(2) Such documentary and other evidence as will establish to the satisfaction of the Commissioner or the Commissioner's designee the facts and date of birth as alleged in the application. The burden of submitting convincing proof rests with the applicant.

(b) When an application for delayed registration has been granted and a certificate of birth on a delayed registration form is filed pursuant to this section, the Department shall issue to the applicant without further charge, in exchange for the certified statement submitted pursuant to paragraph (1) of subdivision (a) of this section, a certified copy of the certificate of birth.

(c) No application for delayed registration shall be granted, and no delayed certificate of birth shall be registered or issued for a deceased person.
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