



## Department of Health and Mental Hygiene

### Board of Health

#### Notice of Adoption of Amendments to Articles 205 and 207 of the New York City Health Code

In compliance with §1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Article 207 of the New York City Health Code (the “Health Code”) was published in the City Record on December 12, 2014 and a public hearing was held on January 22, 2015. Two people testified and one written comment was received from someone who testified. No changes were made to the resolution in response to the comment and testimony received. At its meeting on March 10, 2015, the Board of Health adopted the following resolution.

#### Statement of Basis and Purpose

##### *Statutory Authority*

These amendments to the New York City Health Code (“the Health Code”) are promulgated pursuant to Sections 558 and 1043 of the New York City Charter (“the Charter”). Section 558(b) and (c) of the Charter empowers the Board of Health (“the Board”) to amend the Health Code and to include in the Health Code all matters to which the authority of the New York City Department of Health and Mental Hygiene (“the Department”) extends. Section 1043 grants the Department rulemaking authority.

##### *Background and New Requirements*

Currently all facilities in the City of New York that report 25 or more deaths per year, including hospitals, hospices, funeral homes and the Office of Chief Medical Examiner, must submit reports of death to the Department electronically. This system of electronic death registration enables reporting of 94% of all deaths in New York City. In order to increase the number of deaths reported electronically, the Department now requires that:

1. All hospitals and hospices reporting ten or more deaths per year (reduced from 25) report them electronically;
2. Skilled nursing facilities reporting ten or more deaths per year also submit reports of death electronically;
3. All facilities that are not mandated to report deaths electronically, continue to do so once they begin reporting electronically;
4. In addition, the Department eliminates the fee currently charged for both processing interim disposition permits and for correcting a final disposition as a result of an interim disposition.

The new requirements will increase the number of deaths reported electronically each year. Furthermore, the elimination of fees charged for both filing interim disposition permits and correcting the final disposition as a result of an interim disposition will encourage filing of interim disposition permits. Currently, charging these fees discourages funeral directors from filing interim disposition permits, which results in delayed reporting of deaths.

The amendments adopted below reflect changes to Article 207, section 207.13 of the Health Code approved for adoption on December 9, 2014 by the Board.

The proposal is as follows:

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this Department, unless otherwise specified or unless the context clearly indicates otherwise.

New material is underlined.

[Deleted material is in brackets.]

**RESOLVED**, that subdivision (d) of Section 205.03 of Article 205 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is hereby amended, to be printed together with explanatory notes, to read as follows:

(d) All hospitals, skilled nursing facilities and hospices that report [25] 10 or more deaths to the Department per year, and the Office of Chief Medical Examiner, shall electronically prepare any death certificates and confidential medical reports, and shall, within 24 hours after the death or finding of the remains, file such documents electronically with the Department by means of computer programs specified and provided or otherwise authorized for use by the Department. In circumstances where a person required to report a death pursuant subdivision (a) of this section files a report thereof electronically with the Department, and an authorized funeral director or undertaker has taken charge of the remains, such funeral director or undertaker shall, within 72 hours after the death or the finding of the remains, file such document with the Department electronically by means of computer programs specified and provided or otherwise authorized for use by the Department. If the remains are to be buried in the City cemetery, the person required to report a death pursuant to subdivision (a) of this section shall complete the process of electronically filing the entire certificate of death and confidential medical report, if any, within 72 hours after the death or finding of the remains. All persons required or authorized to report a death or to file a death certificate with the Department that are not required to report or file electronically pursuant to this subdivision may, at their election and upon approval by the Department, implement an electronic reporting system [or continue to report deaths on approved paper forms. This subdivision shall take effect on April 1, 2010]. Such election will be irrevocable upon commencement of electronic filing by such facilities.

Notes: By resolution adopted on March 10, 2015, the Board of Health amended subdivision (d) of Section 205.03 to require all hospitals and hospices reporting ten or more deaths per year to report them electronically; added “skilled nursing facilities” to the list of users who must report deaths electronically; and required that the election to report deaths electronically be irrevocable once electronic filing commences.

**RESOLVED**, that Section 207.13 of Article 207 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is hereby amended, to be printed together with explanatory notes, to read as follows:

(f) The Department shall charge an application fee of \$40.00 to correct or amend birth or death certificates as follows, except there shall be no fee to correct a final disposition as a result of an interim disposition issued pursuant to Article 205 of this Code:

(g) The Department shall charge a fee of \$40.00 for disposition permits issued pursuant to Article 205, except those for burials in the City cemetery or for interim dispositions.

Notes: By resolution adopted on March 10, 2015, the Board of Health amended subdivisions (f) and (g) of Section 207.13 to eliminate the fees charged for processing interim disposition permits and to correct the final disposition as a result of an interim disposition.