



**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
BOARD OF HEALTH**

**Notice of Adoption of Amendments  
to Article 207 of the New York City Health Code**

In compliance with section 1043(b) of the New York City Charter (“the Charter”) and pursuant to the authority granted to the Board of Health by section 558 of said Charter, a notice of intention (“NOI”) to amend Article 207 of the New York City Health Code (“the Health Code”) was published in the New York City Record on April 23, 2019, and a public hearing was held on May 28, 2019. No one testified, at the hearing. One written comment was received in support of the proposed amendments. No changes are therefore being made to the amendment as proposed. At its meeting on June 11, 2019, the Board of Health adopted the following resolutions.

**Statement of Basis and Purpose of Rule**

On average, the Correction and Amendments unit within Vital Records receives 50,000 requests annually for changes to birth certificates. Each request requires a corrections application delineating the specific changes requested. Section 207.05 of the Health Code currently allows the Department to seal a birth certificate and file a new one with corrected information only in certain instances. Court orders are required for some parentage amendments and other amendments not specifically delineated in the health code and require extensive analysis of fact pattern. Approximately 12,000 of these amendments must be done through court order each year.

Recent city council legislation resulted in a local law, pursuant to Intro 1308, that amends the administrative code of the city of New York to require redaction from birth certificates, upon request, of the names of physicians whose licenses have been surrendered or revoked. In order to implement this law, the Department of Health and Mental Hygiene proposed an amendment to Article 207 of the Health Code to allow a mechanism for this type of redaction that does not require a court order. This amendment requires the filing of a new certificate without the name of the attending physician and the sealing of the original certificate. The new certificate will not contain an attendant field and will not indicate correction history.

**Statutory Authority**

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

New material is underlined.

[Deleted material is in brackets.]

“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.

**RESOLVED**, that a paragraph (6) of subdivision (a) of section 207.05 of Article 207 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be added to read as follows:

(6) A request is made by either (i) a person who is at least 18 years old and named as the registrant on a birth certificate, or that person’s legal representative or (ii) the parent or legal representative of a person under the age of eighteen and named as the registrant on a birth certificate to remove the name of the attending physician listed from the certificate, and the requester submits proof that that physician’s license to practice medicine in the State of New York has been surrendered or revoked by the New York State Office of Professional Medical Conduct. Any issuance of this certificate subsequent to such request and submission shall not contain the identity of the attending physician.