

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

NOTICE OF INTENTION TO AMEND

ARTICLE 207 OF THE NEW YORK CITY HEALTH CODE

NOTICE OF PUBLIC HEARING

In compliance with §1043(b) of the New York City Charter and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice is hereby given of the proposed amendment of Article 207 (General Vital Statistics Provisions) of the New York City Health Code.

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THE PROPOSAL FROM 10:00 A.M. TO 12:00 NOON ON MONDAY, FEBRUARY 1, 2010 IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY 5:00 P.M. FRIDAY, JANUARY 29, 2010. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY JANUARY 19, 2010. REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 12:00 P.M. ON FEBRUARY 1, 2010. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ONLINE (WITHOUT ATTACHMENTS) AT <http://www.nyc.gov/html/doh/html/notice/notice.shtml> ON OR BEFORE 5:00 P.M., MONDAY, FEBRUARY 1, 2010. ATTACHMENTS TO ONLINE COMMENTS MUST BE MAILED OR FAXED. COMMENTS RECEIVED AFTER FEBRUARY 1, 2010 WILL BE CONSIDERED TO THE EXTENT POSSIBLE.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC HEARING WILL BE AVAILABLE FOR PUBLIC INSPECTION WITHIN A REASONABLE TIME AFTER RECEIPT, BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. AT THE OFFICE OF THE SECRETARY. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED,

INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO <http://www.nyc.gov/html/doh/html/comment/comment.shtml>.

STATUTORY AUTHORITY

These amendments to the New York City Health Code (“Health Code”) are promulgated pursuant to Sections 556, 558 and 1043 of the New York City Charter (the “Charter”). Section 556 of the Charter provides the Department of Health and Mental Hygiene (“DOHMH”) with jurisdiction to regulate all matters affecting the health in the City of New York. Section 558(b) and (c) of the Charter empower the Board of Health (the “Board”) to amend the Health Code and to include in the Health Code all matters to which the Department’s authority extends. Section 1043 of the Charter grants the DOHMH rulemaking powers.

STATEMENT OF BASIS AND PURPOSE

INTRODUCTION

As part of a comprehensive review of the Health Code to assess the efficacy of the articles in protecting the public’s health, the DOHMH proposes that current Article 207, General Vital Statistics Provisions, be amended to assure that the revised provisions provide adequate legal tools to effectively address general public health matters and to reflect modern thought on public health. As part of the revision effort, obsolete provisions have been omitted and the standards set forth in revised Article 207 have been modernized to reflect current Department practice. Pursuant to this review and assessment of the Health Code, the Department proposes that the Board amend Article 207 as provided for below.

Section 207.01

Subdivision (a) was amended to make the provision more readable and to reflect gender neutrality. Subdivision (a) was also amended to provide for the amendment of the confidential medical report of death for deaths on or after January 1, 2010, as subdivision (a) of Section 205.07 now provides for inspection of the confidential medical report of death by specified persons on or after January 1, 2010. Subdivision (a) was further amended to restrict the category of guardian able to apply for a birth certificate amendment to the legal guardian, to distinguish from informal guardianships. The subdivision was further amended to remove the restriction that the person named on the certificate, if 18 years of age or over, can only apply for an amendment if such person’s parents are dead, as this was a needless restriction. The subdivision was also amended to provide for amendments to the spontaneous termination of pregnancy certificate by the parents or surviving parent, and for amendments to the death certificate and confidential medical report of death by the person in control of disposition as defined in Article 205. This was to conform to Article 205 of this Code and the provisions of State Public Health Law §4201, which applies in the City.

Subdivision (b) was amended to remove the requirement to provide a certified copy of the certificate involved, as most amendments will require the payment of a fee instead of a certificate exchange. The amendment of a certificate of birth registration, which is issued without charge to all new mothers, is an exception. An original certificate of birth registration may be exchanged without charge for a new corrected certificate of birth registration if the application to amend is made by the person filing the original certificate within one year of the date of birth, as opposed to within a year of reporting the birth. These changes conform to the Department’s current practice.

Subdivision (c) was amended to reflect gender neutrality and to provide for correcting omissions as well as the confidential medical report of death.

Subdivision (d) was added to define the term “vital record”, as used within this Article and the other Articles of Title V.

Section 207.03

Subdivision (a) was amended to clarify that the corrections and amendments referred to in this section are to vital records, including certificates and confidential medical reports, and not certifications.

Subdivision (b) was amended to clarify that only the Office of Chief Medical Examiner may submit missing information at any time, and that all other persons may only add missing information after one year following the filing of the certificate upon approval of an application in the manner specified in §207.01. The subdivision was further amended to change the time period during which missing information may be added from within one year of the date of birth, termination of pregnancy or death, to within one year of filing the event. These changes conform to the Department’s current practice.

Section 207.05

Paragraph (1) of subdivision (a) was amended to conform to language in the acknowledgment of paternity form pursuant to New York State Public Health Law §4135-b.

Paragraph (3) of subdivision (a) was amended to update the reference to the Administrative Code.

Paragraph (4) of subdivision (a) was amended to conform to language in the acknowledgment of paternity form pursuant to New York State Public Health Law §4135-b.

Subdivision (b) was amended to provide for sealing documents physically or electronically, which is the case in digital or image storage systems.

Subdivision (c) was amended to make the provision more readable and to reflect gender neutrality. It was also amended to increase the period during which a new birth certificate may be filed when an application for amendment is submitted by the person filing the original certificate from three to twelve months from the date of birth, to be consistent with Department practice. The subdivision was further amended to replace “filed” with “submitted,” which more clearly describes the function of an electronic system.

Section 207.07

This section was deleted as no longer necessary in light of contemporaneous changes to subdivisions 207.01(b), 207.05(c) and re-lettered 207.13(b). The section number, 207.07, is being held in reserve.

Section 207.11

This section was amended to include “vital” in the section heading to clarify that this section is applicable to vital records or data. It has also been divided into subdivisions to make the section more readable.

Subdivision (a) was amended to conform the language to the related language as provided for in revised section 3.25 of the Health Code. It was also amended to specify

conditions related to requests by governmental agencies, whether foreign or domestic, for certified copies, individually identifiable information or verifications. This would enable prevention or detection of fraud and inter-jurisdictional exchange of records or data that relate to residents of those jurisdictions or persons born in those jurisdictions if such information is necessary for a proper purpose. Such requests would be granted only if the Commissioner or the Commissioner's designee agree that the requested information is necessary for a proper purpose. Language related specifically to death information was deleted from subdivision (a) and added as a new subdivision (b).

Subdivision (b) was added to make the section more readable. It includes a person in control of disposition, instead of next of kin, as an entitled party, which is in conformance with §4201 of the New York State Public Health Law.

Subdivision (c) was added to specify the conditions under which researchers be granted access to unidentifiable vital records data or identifiable vital records information, and to strengthen the protections of vital records data.

Subdivision (d) was added to provide stricter requirements concerning the proof of the identity of the party requesting access to vital records to help prevent fraudulent obtainment and use of such information.

Section 207.13

Paragraph (1) of subdivision (a) was amended to provide for fees for searches and issuance of certificates of spontaneous termination of pregnancy. It was also amended to update the Health Code to reflect the \$15.00 fee for each search and issuance of a certified copy that has been in effect since 1990, in accordance with §4179 of the New York State Public Health Law.

Paragraph (3) of subdivision (a) was amended to add "electronic equivalent," to update the code to include electronic systems and to add the word "and."

Paragraph (4) of subdivision (a) was amended to delete the word "and."

Paragraph (5) of subdivision (a) was repealed as access to vital statistics indexes will no longer be allowed, to prevent the fraudulent use of the information provided in the indexes

Subdivision (b) was deleted as the Department no longer issues uncertified copies of certificates and confidential medical reports under the circumstances contemplated by the deleted language. The subdivisions following the subdivision were re-lettered.

Re-lettered subdivision (b) was reworded to improve clarity and to add spontaneous termination of pregnancy certificates.

Re-lettered subdivision (d) was amended to update the reference to New York State Civil Practice Law and Rules.

Re-lettered subdivision (e) was amended to specify that verifications of information contained on birth, spontaneous termination of pregnancy or death certificates may be issued without charge to an agency of the City or State of New York. It was further amended to permit the Department to issue such verifications for a negotiated and agreed-upon fee to other governmental agencies. This would enable the Department to participate in the electronic verification of vital event information with federal agencies for fraud prevention purposes.

Section 207.15

This section was amended to allow for other methods of preservation should such other methods be developed.

Section 207.17

This section amended to allow for other devices for completing certificates should such other devices be developed.

Section 207.19

This section was amended to delete the specific reference to the Department’s Manhattan office.

The proposal is as follows:

Note – Matter in brackets [] to be deleted

Matter underlined is new

RESOLVED, that the list of section headings and the Introductory Notes to Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

ARTICLE 207

GENERAL VITAL STATISTICS PROVISIONS

§ 207.01 Correction of records; application and approval; accompanying documents.

* * * *

§ 207.05 Correction of records; filing of new birth certificates.

§207.07 [Correction of records; copy of amended certificate to be issued.] Reserved.

§207.09 Preparation or filing of certificates or reports; payment prohibited.

§207.11 Inspection of vital records or data; transcripts.

§207.13 Fees for [searches and transcripts of records] vital statistics services.

* * * *

Introductory Notes:

This article supplements the three articles dealing with the reporting of vital events, i.e., Articles 201, 203 and 205. It provides for the correction of vital records, inspection of records, fees for searches and transcripts of records and other general matters. In addition, it contains a provision for the reporting of vital events occurring on carriers, such as ships and airplanes, which terminate their voyage in this City.

As part of a comprehensive review of the Code to assess the efficacy of the articles in protecting the public's health, Article 207 was amended by resolution adopted on XXX to provide adequate legal tools to effectively address general public health matters. As part of the revision effort, obsolete provisions, including § 207.07 (Correction of records; copy of amended certificate to be issued), were repealed and other provisions amended to reflect current Department practice.

RESOLVED, that §207.01 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.01 Correction of records; application and approval; accompanying documents.

(a) The Commissioner or [other personnel of the Department designated by him] the Commissioner's designee may approve the amendment of a birth, termination of pregnancy or death certificate, or of a confidential medical report of death for deaths occurring on or after January 1, 2010. Application shall be made on a form furnished by the Department. Application for amendment of a birth certificate shall be made by the parents or surviving parent, or by the legal guardian of the person whose birth certificate is to be corrected or by the person [himself] if [he] such person is 18 years of age or over, [and his parents are dead.] Application for amendment of a spontaneous termination of pregnancy shall be made by the parents or surviving parent. Application for amendment of a death [or termination of pregnancy]certificate, or of a confidential medical report of death shall be made by the person in control of disposition as defined in Article 205 of this Code or by the person identified on the death certificate as providing the personal particulars pursuant to Article 205 of this Code. [next of kin or, if there is no next of kin, by the persons authorized to arrange for burial or cremation of the remains.]

(b) Every application shall be accompanied by supporting documentary evidence, [and by a certified copy of the certificate involved.] An application for amendment of a birth certificate if made within one year of the date of [reporting of the]birth, may[, however,] be accompanied by a certificate of birth registration which, if the application is approved, shall be exchanged without charge for a new corrected certificate of birth registration except as provided in §207.13(5)(f). [instead of a certified copy of the birth certificate.]

(c) No application shall be approved unless the Commissioner or [his] the Commissioner's designee is satisfied that the evidence submitted shows the true facts and that an error or omission was made at the time of preparing and filing of the certificate or confidential medical report of

death, or that the name of a person named in a birth certificate has been changed pursuant to court order.

(d) As used in this Title, “vital record” shall mean any certificate or confidential medical report required to be filed with the Department pursuant to this Title, whether written or electronic.

Notes:

Subdivision (a) of this section was amended on XXX to reflect gender neutrality and to conform to Article 205 of this Code and § 4201 of the State Public Health Law; subdivision (b) was amended to remove the requirement that a copy of the certificate involved be provided; subdivision (c) was amended to reflect gender neutrality and provide for correcting omissions in certificates and confidential medical reports of death; and subdivision (d) was added to clarify the meaning of the term “vital record” as used within this Article and other Title V articles.

RESOLVED, that §207.03 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.03 Correction of records; method of amendment; adding missing information.

(a) Except as provided in § 207.05, when an application for amendment of a certificate is approved, a single line shall be drawn through the information subject to amendment, and the correct information shall be inserted immediately above it. The certificate shall be marked to show that it is amended, and the name of the person approving the amendment and the date thereof shall be noted on the certificate. When the name of a person is changed pursuant to court order, the new name shall be similarly inserted on the certificate together with a statement that the change of name is by court order and the date of the order. The Department may use an alternate method of recording corrections or other amendments to electronic vital records. [records or forms.] The history of these electronic corrections or amendments shall be clearly recorded within the electronic certificate and confidential medical report [record or form] by the Department.

(b) Within one year following the date [filing] of a birth, termination of pregnancy or death certificate, any missing information may be added upon submission of the information on a form furnished by the Department by the person who filed the certificate; provided that the Office of Chief Medical Examiner may submit missing information at any time. [any person authorized to file an application for amendment pursuant to § 207.01.] Except for such submissions by the Office of Chief Medical Examiner, [A]after one year following the date of event [filing] of a certificate, however, missing information shall be added only upon approval of an application for

amendment in the manner specified in § 207.01.

Notes:

This section was amended on XXX to clarify that certifications are not included amongst the vital records that may be corrected or amended under this section. Subdivision (b) was amended to conform to the Department's current practice.

RESOLVED, that §207.05 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.05 Correction of records; filing of new birth certificates.

(a) A new birth certificate shall be filed when:

(1) [Proof is submitted to the Department that the previously unmarried parents of a child have intermarried subsequent to the birth of such person; or] A father/parent's name is added upon submission of proof that the parents of a child were married at any time during the pregnancy or at the time of birth of such child; or,

(2) Notification is received by the Department from the clerk of a court of competent jurisdiction or proof is submitted of a judgment, order or decree relating to the parentage of the person; or,

(3) Notification is received by the Department from the clerk of a court of competent jurisdiction or proof is submitted of a judgment, order or decree relating to the adoption of the person. Every new birth certificate filed because of adoption shall bear a statement that it is filed pursuant to [§567-2.0(a)(3)] §17-167 of the Administrative Code; or,

(4) [A putative father of a child consents under oath to the filing of a new birth certificate bearing his name as the father of the child born out of wedlock; or] The parents of a child have completed, signed and filed with the Department an acknowledgment of paternity form pursuant to New York State Public Health Law §4135-b; or,

(5) The name of the person has been changed pursuant to court order and proof satisfactory to the Department has been submitted that such person has undergone convertive surgery.

(b) When a new birth certificate is filed pursuant to [subsection (a) of] this section, the original birth certificate, the application for a new birth certificate and supporting documents shall be placed under physical or electronic seal, and such seal shall not be broken except by order of a court of competent jurisdiction. Thereafter, when a certified copy is requested of the certificate of birth of the person for whom a new certificate has been filed pursuant to the provisions of this

section, a copy of the new certificate of birth shall be issued, except when an order of a court of competent jurisdiction requires the issuance of a copy of the original certificate of birth.

(c) A new birth certificate may be filed when an application for amendment is submitted by a person required to file such certificate within twelve [three] months after the [report] date of birth, or when the Commissioner or [other personnel of the Department designated by him] the Commissioner's designee finds it desirable by reason of the nature and extent of the amendments. In such a case, the original certificate of birth registration may [shall] be [filed] submitted with the application for amendment.

Notes:

This section was amended on XXX to reflect gender neutrality and improve readability. This section was also amended to conform to the requirements of the New York State Public Health Law § 4135-b and to update references to the New York City Administrative Code.

RESOLVED, that §207.07 (Correction of records; copy of amended certificate to be issued) of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, repealed.

Notes:

This section was repealed on XXX in light of contemporaneous changes made to other sections in this Article and is being held in reserve.

RESOLVED, that §207.11 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.11 Inspection of vital records or data; transcripts.

(a) Except as provided in §§ 201.07, 203.07 and 205.07, inspection of vital records or data filed with the Department pursuant to this Title may be made and transcripts of records may be obtained pursuant to the provisions of § 3.25 [3.27] of this Code and § 17-169 of the Administrative Code, respectively. Requests by governmental agencies, whether foreign or domestic, for certified copies of birth and spontaneous termination of pregnancy records or for certifications of birth pursuant to § 17-169, or for any individually identifiable information contained in the Department's vital records maintained pursuant to this Title, or for verifications thereof, shall specify the official use to which the requested information will be put and why the

information is necessary for a proper purpose. The request may be granted only if the Commissioner or the Commissioner's designee agree that the requested information is necessary for a proper purpose. [No paper, file, report, record or proceeding concerning a death shall, however, be open to inspection except to a person, or to his representative who shall be an agent or other person having a legal or fiduciary obligation to such person, who has a personal interest therein as a relative, next of kin, heir or beneficiary, of a deceased person to whom the records pertain, or to a person who has a vested right in property by reason of the death of the person to whom the records pertain, or who otherwise establishes that such inspection or transcript is necessary or required for a judicial or other proper purpose, or to prevent the misuse or misappropriation of City, state or federal governmental funds.] Inspection of any vital records or data for the collection of information for sale or release to the public, or for other commercial or speculative purposes shall not be deemed a proper purpose. The Department may impose reasonable conditions as to the use and redisclosure of information, and may limit access to the minimum necessary to fulfill the purpose for which information is requested.

(b) No transcript, paper, file, report, record, or proceeding concerning a death shall, however, be open to inspection or copies thereof provided, except upon request, to persons or to their representatives, who are agents of, or who otherwise have a legal or fiduciary obligation to such persons; or who have a personal interest, as a relative, person in control of disposition, heir or beneficiary, of a deceased person to whom the records pertain; or who have a vested right in property by reason of the death of the person to whom the records pertain; or who otherwise establish that such records are necessary or required for a judicial or other proper purpose; or to prevent the misuse or misappropriation of City, state or federal governmental funds.

(c) Except as provided in §205.07 (a) of this Code, the Commissioner or the Commissioner's designee may grant access to unidentifiable line or cell vital records data or identifiable vital records information to qualified researchers for scientific purposes. Researchers shall submit a written request for access to such information to the Commissioner or the Commissioner's designee for review. The Commissioner or the Commissioner's designee may require such researcher to agree to conditions governing the possession and use of the data by the researcher. No person shall violate any term or condition of a written data use agreement filed with the Department upon which the Department or the Commissioner has relied to grant access to information or data.

(d) Proof satisfactory to the Department of the identity of the person making a request to inspect vital records or data such as a government issued identification record which may include a birth

certificate, passport and other photographic identification, shall be provided to Department prior to inspection.

Notes:

This section was amended on XXX and divided into subdivisions to improve readability, and to conform to related provisions in § 3.25 of the Code. Subdivision (b) was added to include provisions in conformance with § 4201 of the New York State Public Health Law. Subdivisions (c) and (d) were added clarify the conditions under which researchers may be granted access to certain data and to require stricter proof of identity of parties seeking access to vital records data in order to prevent identity theft.

RESOLVED, that §207.13 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.13 Fees for [searches and transcripts of records] vital statistics services.

(a) The Department shall charge fees for searches and transcripts as follows:

(1) For a search of two consecutive calendar years under one name and for issuance of a certified copy of a certificate of birth, death, or spontaneous termination of pregnancy, or a certification of birth or death, or a certification that the record cannot be found, the fee is \$15.00 for each copy in accordance with §4179 of the New York State Public Health Law.

(2) For each additional calendar year search, if applied for at the same time or within three months of the original request and if proof of payment for the basic search is submitted, the fee is \$1;

(3) For a certified copy of the reverse side of a death certificate, or its electronic equivalent, issued at the same time as a copy of the face of the certificate, the fee is \$2; and

(4) For a two calendar year search under one name for documents relating to transportation of human remains and the issuance of a certified copy of one side of a document, the fee is \$3 and for each certified copy of an additional side, the fee is \$1.50.]; and,

(5) For consulting indexes to vital statistics records, in accordance with the provisions of § 3.27(e), the fee is \$5 for each day or part thereof. The fee for consulting such indexes for one year is \$100, which shall enable the applicant to designate not more than two representatives to consult such indexes on his behalf.

(b) When the Board permits inspection or disclosure of information contained in a confidential medical report of birth, termination of pregnancy or death, fees shall be charged as follows:

(1) For a search of two consecutive calendar years under one name and for issuance of an uncertified copy of the certificate and confidential medical report, if found, the fee is \$2.50. For each additional year searched the fee is \$1.

(2) When the certificate number is furnished or search is made by the person or a representative of the person to whom approval has been granted, the fee for an uncertified copy of the certificate and confidential medical report is \$1.]

[c](b) Upon proper application by an authorized person, the Department shall exchange a certified copy of a birth or death certificate, or a certification that such a record cannot be found, for a certification of birth or death [and a] if the record can then be found. Upon proper application by an authorized person, the Department shall exchange a certification of birth or death, or a certification that such a record or a spontaneous termination of pregnancy certificate cannot be found, for a certified copy of a birth, spontaneous termination of pregnancy or death certificate if the record can then be found. Such exchanges shall be made without charge[,] when application is made within three months of the issuance of the certification that a record cannot be found or of the certified copy or certification to be exchanged.

[d](c) When application for searches and issuance of transcripts is made by any agency of the government of the United States, a voucher for future payment of required fees may be accepted by the Department instead of immediate payment of fees.

[e](d) The Department shall make searches and issue certified copies or transcripts without charge when:

(1) Requested for official purposes by any agency of the City or State or of any other political subdivision of the State; or,

(2) Requested pursuant to [§ 1384-n of the Civil Practice Act] the Civil Practice Law and Rules in connection with an application for benefits available from the Veterans Administration, if written proof of the application is first submitted; or,

(3) Requested in connection with applications for allowances for dependents of persons in the armed forces of the United States, in connection with an induction or enlistment into any armed force of the United States, or in connection with an application for a veterans' bonus pursuant to any law of the State, if written proof of the application, induction or enlistment is first submitted; or,

(4) Requested by an officer of the New York Society for the Prevention of Cruelty to Children for use in court cases; or,

(5) The Commissioner or the person in charge of the office of the Department designated to receive vital records, for good cause, so directs.

[f](e) The Department may issue without charge verifications of information contained on birth, spontaneous termination of pregnancy or death certificates [records] filed with the Department when such information is provided and a verification is requested by an agency of the City[,] or State of New York[,]. The Department may issue such verifications for a negotiated and agreed-upon fee to other governmental agencies, whether foreign or domestic. [the government of the United States, any state, territory or possession of the United States or any political subdivision thereof, the government of the District of Columbia, or by charitable or social welfare organizations or agencies.]

[g](f) The Department shall, effective January 1, 2010, charge an application fee of \$40.00 to correct or amend birth or death certificates as follows:

- (1) Adding a given name more than 60 days after birth
- (2) Correcting birth and death certificate errors and omissions made by family members and informants
- (3) Correcting hospital birth certificate errors and omissions after 12 months
- (4) Correcting funeral home errors
- (5) Correcting funeral home omissions filed after 12 months
- (6) Amending a birth certificate for an adoption
- (7) Amending a new birth certificate for a person who has undergone convertive surgery
- (8) Re-submitting an application more than 1 year after rejection.

[h](g) The Department shall, effective January 1, 2010, charge a fee of \$40.00 for disposition permits issued pursuant to Article 205, except those for burials in the City cemetery.

Notes:

This section was amended on XXX to provide for fees covering searches and issuance of certificates of spontaneous termination of pregnancy. This section was also amended to reflect the current certified copy fee in use in accordance with § 4179 of the New York State Public Health Law. In addition, paragraphs (3) and (4) of subdivision (a) were amended to provide for greater clarity. Paragraph (5) of subdivision (a) was repealed and subdivision (b) was deleted in order to reflect current policy and practice. Re-lettered subdivisions (b), (d) and (e) were reworded or amended to improve clarity or amended to update references.

RESOLVED, that §207.15 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.15 Preservation of records.

Registries of birth, termination of pregnancy or death, and permits required to be kept on file pursuant to § 205.21[5(b)], may be permanently preserved electronically, or through photostatic, microphotographic or microfilm copies, or such other preservation methods as may be approved by the department.

Notes:

This section was amended on XXX to allow for other methods of records preservation if such methods are developed.

RESOLVED, that §207.17 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.17 Certificates and reports; legibility and correctness.

Every certificate of birth, termination of pregnancy and death, and every confidential medical report which is not filed electronically in accordance with other provisions of this Code shall be filled out legibly on typewriter or other device acceptable to the Department or with permanent black ink and shall be properly signed. No certificate or report shall be accepted which is imperfectly filled out, or on which a felt-tipped type of pen has been used, or if it has been corrected, interlined or altered in any manner.

Notes:

This section was amended on XXX to allow for other devices for completing certificates if such other devices are developed.

RESOLVED, that §207.19 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.19 Births, termination of pregnancy and deaths on buses, train, ships and airplanes.

When a birth, termination of pregnancy or death occurs on a bus, train, ship or airplane which terminates a voyage, trip or flight at a terminal in The City of New York, the person in charge or the owner of such bus, train, ship or airplane shall file with the Department a certificate of such birth, if the child is brought into the City, or a certificate of termination of pregnancy or death if

the remains are brought into the City. A certificate of birth occurring on a ship or airplane during any voyage, trip or flight which terminates at a terminal in the Port of New York, but not in The City of New York, may be filed with the Department if the child is brought into the City. Certificates, on a form prescribed by the Board and furnished by the Department, shall be filed with [the Manhattan office of] the Department within 24 hours following the arrival of the bus, train, ship or airplane. Certificates shall contain such information as the Board may require, including the specific location or the latitude and longitude where such event took place and whether the event occurred on land, at sea, or in the air.

Notes:

This section was amended on XXX to delete a reference to the Manhattan office of the Department as a place to file a certificate of birth.

Article 207 intention.doc