

Office of Regulatory Management
Economic Review Form

Agency name	State Board of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12VAC 5-550
VAC Chapter title(s)	Board of Health Regulations Governing Vital Records
Action title	Amendments following periodic review
Date this document prepared	2/8/2023
Regulatory Stage (including Issuance of Guidance Documents)	Fast-track action.

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: The proposed amendments do not change the existing fee schedules for vital record issuance and amendment: \$12.00 per copy of a vital record issued, and \$10.00 per amendment application. Indirect Costs: • Court costs associated with obtaining court orders for certain actions related to vital event registration, vital record issuance, or amendment of a vital record vary widely and cannot be calculated. • Enhancements to the Virginia Vital Event Screening and Tracking System (VVESTS) to accommodate the electronic submission of disinterment permits were completed several years ago during the implementation of the digitized submission process. • There are no additional system registration, authentication/verification, or training measures to be completed by Commonwealth registrars to implement the proposed changes. Registrars are already validated and registered in the VVESTS. Direct Benefits: Costs associated with ordering and mailing disinterment permit forms to Commonwealth registrars are minimized, as the majority of registrars submit disinterment permits electronically through the VVESTS. The system of vital records does not have data for costs associated with form submissions as electronic submission began in 2017. Indirect Benefits: There are no indirect monetized benefits because of the regulatory action.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Retain the current fee schedule: • \$12.00 per copy of a vital record; and • \$10.00 per correction or amendment application.	(b) The existing revenue share agreement between local health districts and the system of vital records remains in place; see table 1.b. (c) The Department of Motor Vehicles retains authorization to issue copies of vital records, direct issuance fee revenue to the system of vital records, and implement a two-dollar service fee directed to the Department of Motor Vehicles; see table 1.b.
(3) Net Monetized Benefit	In FY2023:	

	- Local health districts retained a total of \$6,919,140.00 in issuance fee revenue. - The system of vital records received approximately \$4,715,409.67 in issuance fee revenue from all issuance locations (Office of Vital Records, local health districts, and the Department of Motor Vehicles). Approximately \$116,019.42 in revenue was generated from administrative fees related to vital record amendment in FY2023. All revenue generated was directed to the system of vital records.
(4) Other Costs & Benefits (Non-Monetized)	The regulations will reflect current operational practices for the electronic submission of disinterment permits. Disinterment permits will be more easily prepared and distributed by Commonwealth registrars. The regulations will align with statutory changes under Chapter 784 of the 2017 Acts of Assembly. Requirements for completion or acceptance of certificates and reporting protocols will be more easily understood. The proposed amendments will provide better clarity and transparency to the processes by which the system of vital records operates. Duplicative statutory and discretionary requirements have been removed from the regulations.
(5) Information Sources	Virginia Vital Event Tracking Screening System registration protocols. Chapter 784 of the 2017 Acts of Assembly. Fee schedules related to issuance and administrative fees for vital records are described in § 32.1-273 of the Code of Virginia and 12VAC5-550-520. Fee schedules and the revenue share agreement between local health districts and the system of vital records are outlined in § 32.1-273 of the Code of Virginia, and Chapter 1 of the 2023 Acts of Assembly, Special Session I (HB6001, Item 290 (VDH) Vital Records and Health Statistics.)

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: There is a direct cost to consumers of \$12.00 per vital record copy issued and a direct cost of \$10.00 per application submitted to the State Registrar to amend a vital record.
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	Indirect Costs: Postage costs to mail blank forms to registrars and reporting jurisdictions (e.g., court clerks, county/city registrars, special registrars, etc.) are variable. Direct Benefits: • State-administered local health districts retain 65% of issuance fee revenue related to the issuance of birth, marriage, and divorce records from local health department locations, and 100% of death certificate revenue. • Locally administered health districts retain 100% of issuance fee revenue. • The Department of Motor Vehicles is authorized to issue copies of vital records and charge an additional two-dollar service fee per copy issued. Issuance fee revenue is directed to the system of vital records, while the Department of Motor Vehicles retains the service fee. • The system of vital records receives 35% of fee revenue from state-administered local health districts from the issuance of birth, marriage, and divorce records. All issuance fee revenue generated by the Department of Motor Vehicles is directed to the system of vital records. • The system of vital records receives all issuance and administrative fee revenue from registration, amendment, and issuance of vital records by the Office of Vital Records. Indirect Benefits: Families save two dollars for vital record issuance through local health districts or the Office of Vital Records, as there is no implementation of a service fee.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$12.00 per vital record copy; \$10.00 per correction or amendment application. The Department of Motor Vehicles charges an additional \$2.00 service fee for each copy of a vital record issued.	(b) \$6,465,228.00 in death certificate issuance fees was retained by local health districts in FY2023. State-administered health districts retained \$403,128.00 of issuance fees for the issuance of birth, marriage, and divorce records in FY2023. Locally administered health districts retained \$50,874.00 of issuance fees for the issuance of birth, marriage, and divorce records in FY2023.

		The system of vital records was allocated \$141,094.80 in issuance fee revenue generated from the issuance of birth, marriage, and divorce records by state-administered local health districts for FY2023. The Department of Motor Vehicles generated \$1,796,544.00 in issuance fee revenue in FY2023 that was directed to the system of vital records. In FY2023, vital record issuance by the Office of Vital Records generated \$2,777,770.87 in issuance fee revenue that was directed to the system of vital records.
(3) Net Monetized Benefit	In FY2023: - Local health districts retained a total of \$6,919,140.00 in issuance fee revenue. - The system of vital records received approximately \$4,715,409.67 in issuance fee revenue from all issuance locations (Office of Vital Records, local health districts, and the Department of Motor Vehicles). - Approximately \$116,019.42 in revenue was generated from administrative fees related to vital record amendment in FY2023. All revenue generated was directed to the system of vital records.	
(4) Other Costs & Benefits (Non-Monetized)	Registrants and their families, guardians, or legal representatives are provided with multiple locations in the Commonwealth to register vital events, obtain copies of vital records, or be provided with vital statistical information.	
(5) Information Sources	FY2023 issuance and administrative fee revenue data was obtained from the VVESTS. Fee schedules related to issuance and administrative fees for vital records are described in § 32.1-27 of the Code of Virginia and 12VAC5-550-520. Fee schedules and the revenue share agreement between local health districts and the system of vital records are outlined in § 32.1-273 of the Code of Virginia, and Chapter 1 of the 2023 Acts of Assembly, Special Session I (HB6001, Item 290 (VDH) Vital Records and Health Statistics).	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: There are no direct costs associated with alternative approaches. The alternative approach would be to repeal the regulations, which was not determined as the result of the Periodic Review conducted in 2023. Indirect Costs: There are no indirect costs associated with alternative approaches. The alternative approach would be to repeal the regulations, which was not determined as the result of the Periodic Review conducted in 2023. Direct Benefits: There are no direct benefits associated with alternative approaches. The alternative approach would be to repeal the regulations, which was not determined as the result of the Periodic Review conducted in 2023. Indirect Benefits: There are no indirect benefits associated with alternative approaches. The alternative approach would be to repeal the regulations, which was not determined as the result of the Periodic Review conducted in 2023.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Net Monetized Benefit	N/A	
(4) Other Costs & Benefits (Non-Monetized)	N/A	
(5) Information Sources	12VAC5-550 Regulations Governing Vital Records. Chapter 7 (§ 32.1-249 et seq.) of the Code of Virginia.	

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs &	Direct Costs: There are no direct costs to local partners resulting from the proposed amendments.
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Benefits (Monetized)	Indirect Costs: There are no indirect costs to local partners resulting from the proposed amendments. Direct Benefits: Local health departments maintain the current revenue share agreement with the system of vital records. The Department of Motor Vehicles retains the authority to issue copies of vital records and implement and retain a two-dollar service fee per copy of a vital record issued at a DMV location. Indirect Benefits: There are no indirect benefits to local partners resulting from the proposed amendments.	
(2) Present Monetized Values	Direct & Indirect Costs (a) \$12.00 per vital record copy; \$10.00 per correction or amendment application. The Department of Motor Vehicles charges an additional \$2.00 service fee for each copy of a vital record issued.	Direct & Indirect Benefits (b) State-administered local health districts will continue to retain 65% of issuance fee revenue from birth, marriage, and divorce certificates; and 100% of revenue generated from the issuance of death certificates: \$6,919,140.00 in FY2023. The system of vital records will continue to receive 35% of revenue from the issuance of birth, marriage, and divorce records from state-administered local health districts: \$141,094.80 in FY2023 Locally administered health districts will continue to retain 100% of revenue generated from the issuance of vital records (birth, death, marriage, divorce).
(3) Other Costs & Benefits (Non-Monetized)	The proposed amendments will provide better clarity and transparency to the processes by which the system of vital records operates. Requirements for completion or acceptance of certificates and reporting protocols will be more easily understood by reporting entities. The regulations will reflect current operational practices for the electronic submission of disinterment permits.	

	The regulations will align with 2017 statutory changes authorizing registrars to accept death registrations if a deceased human body is found, or a human death occurs, in a separate reporting jurisdiction within the Commonwealth. Commonwealth courts will have the authority to determine evidence required to grant a court order to change the date on a birth certificate to more than one year after the registrant's date of birth.
(4) Assistance	
(5) Information Sources	FY2023 issuance and administrative fee revenue data was obtained from the Virginia Vital Event Tracking and Screening System (VVESTS). Chapter 784 of the 2017 Acts of Assembly. Fee schedules related to issuance and administrative fees for vital records are described in § 32.1-27 of the Code of Virginia and 12VAC5-550-520. Fee schedules and the revenue share agreement between local health districts and the system of vital records are outlined in § 32.1-273 of the Code of Virginia, and Chapter 1 of the 2023 Acts of Assembly, Special Session I (HB6001, Item 290 (VDH) Vital Records and Health Statistics.)

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: Families will continue to be charged \$10.00 per amendment application and \$12.00 per copy of a vital record issued. Indirect Costs: - Families will continue to be charged an additional two-dollar service fee per vital record issued by the Department of Motor Vehicles. - Court costs associated with obtaining court orders for vital event registration, vital record issuance, or amendment of a vital record, vary widely and cannot be calculated. - Service-related costs for families that retain legal counsel or other administrative services related to obtaining registration,
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	amendment/correction, issuance of vital records, or disclosure of vital record information vary widely and cannot be calculated. Direct Benefits: The proposed amendments do not alter existing fee schedules. Commonwealth families will continue to pay below jurisdictional averages for all 57 reporting jurisdictions (all U.S. states, Washington D.C., New York City, Guam, Puerto Rico, Northern Marianas Islands, American Samoa, and the Virgin Islands) for copies of vital records. • Birth certificate issuance fee average: \$18.69 • Death certificate issuance fee average: \$18.29 • Marriage certificate issuance fee average: \$17.00 • Divorce certificate issuance fee average: \$16.41 Indirect Benefits: There are no indirect monetized benefits to families associated with the proposed amendments.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$12.00 per vital record copy; \$10.00 per correction or amendment application. The Department of Motor Vehicles charges an additional \$2.00 service fee for each copy of a vital record issued.	(b) The system of vital records received approximately \$4,715,409.67 in issuance fee revenue from all issuance locations (Office of Vital Records, local health districts, and the Department of Motor Vehicles) in FY2023.
(3) Other Costs & Benefits (Non-Monetized)	The proposed amendments support a system for the administration and governance of an adequate system of vital records. The proposed amendments will provide better clarity and transparency to the processes by which the system of vital records operates. Requirements for completion or acceptance of certificates and reporting protocols will be more easily understood. The regulations open a pathway to compliance for the filing of death certificates by authorizing registrars to accept death certificate forms that are filed non-electronically outside of the jurisdiction in the Commonwealth where a person dies, or a deceased human body is found.	
(4) Information Sources	Revenue data was obtained from the Virginia Vital Event Screening and Tracking System (VVESTS). Chapter 784 of the 2017 Acts of Assembly.	

	Fee schedules related to issuance and administrative fees for vital records are described in § 32.1-27 of the Code of Virginia and 12VAC5-550-520. Data comparing issuance and administrative fees for reporting jurisdictions was obtained from the Centers for Disease Control and Prevention: https://www.cdc.gov/nchs/w2w/index.htm
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Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: There are no direct costs to small businesses associated with the proposed amendments. Indirect Costs: There are no indirect costs to small businesses associated with the proposed amendments. Direct Benefits: There are no direct benefits to small businesses associated with the proposed amendments. Indirect Benefits: There are no indirect benefits to small businesses associated with the proposed amendments.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Alternatives		
(5) Information Sources		

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
12VAC5-550-5	(M/A):	0			
	(D/A):	0			
	(M/R):	0			
	(D/R):	0			
12VAC5-550-70	(M/A):	2		-2	-2
	(D/A):	0			
	(M/R):	0			
	(D/R):	0			
12VAC5-550-80	(M/A):	0			
	(D/A):	2		-2	-2
	(M/R):	0			
	(D/R):	0			
12VAC5-550-90	(M/A):	0			
	(D/A):	3	+1		+1
	(M/R):	0			
	(D/R):	1			
12VAC5-550-100	(M/A):	5			
	(D/A):	1			
	(M/R):	4			
	(D/R):	1			
12VAC5-550-110	(M/A):	1	+4		+4
	(D/A):	0			
	(M/R):	1	+4		+4
	(D/R):	0			
12VAC5-550-130	(M/A):	1	+3		+3
	(D/A):	0			
	(M/R):	1	+3		+3
	(D/R):	0			
12VAC5-550-140	(M/A):	1	+2		+2
	(D/A):	0			
	(M/R):	1	+2		+2
	(D/R):	0			

12VAC5-550-150	(M/A):	1			
	(D/A):	11		-1	-1
	(M/R):	1			
	(D/R):	11		-1	-1
12VAC5-550-160	(M/A):	0			
	(D/A):	1			
	(M/R):	0			
	(D/R):	0			
12VAC5-550-170	(M/A):	0			
	(D/A):	2			
	(M/R):	0			
	(D/R):	0			
12VAC5-550-180	(M/A):	0			
	(D/A):	4			
	(M/R):	0			
	(D/R):	0			
12VAC5-550-190	(M/A):	0			
	(D/A):	4			
	(M/R):	0			
	(D/R):	0			
12VAC5-550-200	(M/A):	0			
	(D/A):	4			
	(M/R):	0			
	(D/R):	0			
12VAC5-550-210	(M/A):	0			
	(D/A):	2		-2	-2
	(M/R):	0			
	(D/R):	0			
12VAC5-550-220	(M/A):	0			
	(D/A):	0	+1		+1
	(M/R):	1			
	(D/R):	4		-1	-1
12VAC5-550-230	(M/A):	2		-1	-1
	(D/A):	4			
	(M/R):	0	+1		+1
	(D/R):	1	+2		+2
12VAC5-550-240	(M/A):	1			
	(D/A):	3			
	(M/R):	0			
	(D/R):	2			
	(M/A):	0			

12VAC5-550-250	(D/A):	3		-2	-2
	(M/R):	0			
	(D/R):	2		-1	-1
12VAC5-550-260	(M/A):	2			
	(D/A):	9	+2		+2
	(M/R):	2			
	(D/R):	12		-7	-7
12VAC5-550-280	(M/A):	2		-1	-1
	(D/A):	2			
	(M/R):	1			
	(D/R):	2	+1		+1
12VAC5-550-290	(M/A):	4		-4	-4
	(D/A):	0		-1	-1
	(M/R):	1			
	(D/R):	1		-1	-1
12VAC5-550-300	(M/A):	2	+1		+1
	(D/A):	0			
	(M/R):	1			
	(D/R):	0	+3		+3
12VAC5-550-310	(M/A):	2	+2		+2
	(D/A):	0	+1		+1
	(M/R):	1	+2		+2
	(D/R):	0			
12VAC5-550-330	(M/A):	0			
	(D/A):	2			
	(M/R):	1			
	(D/R):	0	+3		+3
12VAC5-550-340	(M/A):	2			
	(D/A):	0	+1		+1
	(M/R):	0			
	(D/R):	0			
12VAC5-550-350	(M/A):	0			
	(D/A):	3			
	(M/R):	0			
	(D/R):	6		-3	-3
12VAC5-550-360	(M/A):	1	+3		+3
	(D/A):	0			
	(M/R):	0	+2		+2
	(D/R):	9		-2	-2
12VAC5-550-370	(M/A):	1		-1	-1
	(D/A):	4		-4	-4

	(M/R):	0		0	
	(D/R):	0		0	
12VAC5-550-380	(M/A):	0			
	(D/A):	4		-1	-1
	(M/R):	0	+1		+1
	(D/R):	5		-1	-1
12VAC5-550-390	(M/A):	0	+2		+2
	(D/A):	1			
	(M/R):	4	+2		+2
	(D/R):	9		-1	-1
12VAC5-550-400	(M/A):	2			
	(D/A):	2		-1	-1
	(M/R):	0			
	(D/R):	2		-1	-1
12VAC5-550-410	(M/A):	3		-2	-2
	(D/A):	3	+3		+3
	(M/R):	0			
	(D/R):	2	+4		+4
12VAC5-550-420	(M/A):	0			
	(D/A):	5	+2		+2
	(M/R):	0			
	(D/R):	0	+4		+4
12VAC5-550-430	(M/A):	0			
	(D/A):	2	+1		+1
	(M/R):	0			
	(D/R):	6	+1		+1
12VAC5-550-450	(M/A):	0			
	(D/A):	8	+3		+3
	(M/R):	1			
	(D/R):	15			
12VAC5-550-470	(M/A):	0			
	(D/A):	3			
	(M/R):	0			
	(D/R):	5	+2		+2
12VAC5-550-480	(M/A):	0			
	(D/A):	1			
	(M/R):	0			
	(D/R):	0			
12VAC5-550-490	(M/A):	1			
	(D/A):	1			
	(M/R):	0			

	(D/R):	0			
12VAC5-550-500	(M/A):	0			
	(D/A):	1			
	(M/R):	0			
	(D/R):	0			
12VAC5-550-510	(M/A):	2	+1		+1
	(D/A):	4		-1	-1
	(M/R):	0			
	(D/R):	0			
Grand Total of Changes in Requirements:					(M/A): +9
					(D/A): 0
					(M/R): +16
					(D/R): +1

Key:

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved*	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
12VAC5-550-70	The section has been repealed.	Two statutory requirements requiring the State Registrar to prepare, print, and supply forms to reporting sources, as well as prepare and issue detailed form instructions were removed from the regulations.
12VAC5-550-80	The section has been repealed.	Two discretionary requirements were removed as the regulation was repealed.
12VAC5-550-90	The regulatory section has been revised to include content from two repealed sections 12VAC-550-80, and 12VAC5-550-90.	An existing requirement that city and county registrars maintain an adequate supply of forms furnished by the State Registrar has been moved from 12VAC5-550-80 to 12VAC5-550-90.
12VAC5-550-100	Subsection A of the regulations related to birth registration at the time of birth is reorganized to emphasize the forms required to file a birth certificate at the time of birth.	The regulation has been amended to (i) combine requirements for the filing of birth certificates at the time of birth by specifying the VS1 form is used to register births at the time of birth for non-home births or home births; (ii)

	Subsection B has been removed, and a new subsection E has been added to direct readers to Part VIII of the regulations for late and delayed birth registrations. Subsection F has been created to inform the public of the form used to request a copy of a birth certificate.	remove regulations related to late and delayed birth registration to emphasize the process of filing a birth certificate at the time of birth; and (iii) direct readers to the forms used to request a copy of a birth certificate.
12VAC5-550-110	The regulations were amended to specify the process to file a death certificate in the Commonwealth, and to request a copy of a death certificate.	The regulations are amended to include the VS2A form and form items, along with the forms used by applicants to request a copy of a death certificate.
12VAC5-550-130	The forms used by applicants to request a copy of a marriage record at the Department of Motor Vehicles have been included. Remaining changes are Fast-Track amendments approved by the Board of Health in June 2023 which amended the regulation to specify the form used to request a copy of a marriage certificate.	The regulation specifies the form used by applicants when requesting a copy of a marriage certificate from the Department of Motor Vehicles.
12VAC5-550-140	The forms used by applicants to request a copy of a record of divorce or annulment at the Department of Motor Vehicles have been included. Remaining changes are Fast-Track amendments approved by the Board of Health in June 2023 amended the regulation to specify the form used to request a copy of a record of divorce or annulment.	The regulation specifies the form used by applicants when requesting a copy of a record of divorce or annulment from the Department of Motor Vehicles

12VAC5-550-150	Subsection A was created to reorganize the existing methods of data entry on certificates and records. Amendments reorganize the provision to reflect the most common types of data entry in the order each type is used, from most to least frequent. The existing requirement that all signatures be in black ink has been moved to a newly created subsection, subsection B. Existing regulations identifying the reasons a certificate would not be acceptable for filing have been moved to a newly created subsection, subsection C. Amendments to the provision combined requirements related to the types of copies that are not accepted. The provision that a certificate submitted on an improper form will not be accepted has been amended to specify the requirement includes forms that are stained, damaged, or torn.	Requirements were reduced by combining requirements related to the non-acceptance of certificates (i) marked “copy,” (ii) marked “duplicate,” (iii) is a carbon copy, or (iv) is a photocopy. The changes specify that improper forms include forms that are stained, damaged, or torn.
12VAC-550-180	Form and style changes reorganize the regulation into three subsections. Amendments authorize a registrar’s representative to examine forms filed for acceptance, and clarify the requirement that forms filed with a registrar or their representative documenting a birth, death, or fetal death to be	Amendments authorize a registrar’s representative to examine forms filed for acceptance and clarify the requirement that forms filed with a registrar or their representative documenting a birth, death, or fetal death to be consecutively numbered based on the date of the vital event, rather than the date the form was filed with a registrar or

	consecutively numbered based on the date of the vital event, rather than the date the form was filed with a registrar or their representative.	their representative. The current provision limits such examination and acceptance to a registrar.
12VAC5-550-190	Form and style changes to the regulation created an additional subsection. Specifically, separating the requirement that registrars record information and establish internal processes to record information before forwarding forms filed with them to the State Registrar.	An additional subsection was created to conform to the <i>Form and Style Requirements</i> , adding a discretionary requirement to the regulations.
12VAC5-550-200	Amendments authorize special registrars to utilize electronic media to report to the State Registrar that no birth, death, or fetal death occurred in their jurisdiction the previous month, if reporting is executed using electronic media approved by the State Registrar. The regulations provide an alternative, the VS23 form, for special registrars to report to the State Registrar that no birth, death, or fetal death occurred in their jurisdiction the previous month if approved electronic media cannot be used to submit such report.	The amendments open a pathway to compliance for special registrars to report that no birth, death, or fetal death occurred during the previous month in their jurisdiction by providing an electronic submission process. The changes also provide a paper form that may be used if the electronic media approved by the State Registrar, and used for such reporting purposes, is unavailable.
12VAC5-550-210	The regulation has been repealed.	The repeal of the regulation removed two requirements.
12VAC5-550-220	Revisions include the responsibility of the hospital to which a foundling child has been taken for care. An existing provision requiring the name and address of the person or institution to which the foundling child has been placed for care to be entered on the back of the Certificate of	The changes open pathways to compliance related to foundling registration by extending authorization to complete the foundling child's birth registration to care hospitals. Removing the provision specifying that the name and address of the persons or

	Live Birth form has been removed from the regulations.	institution to which a foundling child has been taken for care removes a duplicative statutory requirement from the regulations.
12VAC5-550-230	Definitions for late and delayed birth registration have been removed, revised to “late birth filing” and “delayed birth filing,” and moved to 12VAC5-550-5. Subsections A and B have been amended to reflect the form used to file a late Certificate of Birth and a delayed Certificate of Birth completed within 7 years from the intended registrant’s date of birth. Subsection C has been amended to include the form, and form items, used when filing a delayed Certificate of Birth 7 or more years after the intended registrant’s date of birth. Subsection D was created using an existing provision from 12VAC5-550-100 naming the form to be used, and form items to be completed, when filing a delayed Certificate of Birth 7 or more years since the intended registrant’s date of birth.	The form used to file a late or delayed Certificate of Birth within 7 years of the date of birth have been included in the regulation. The provisions have been amended to specify the filing process for late and delayed Certificate of Birth within 7 years of the date of birth. The form used to file a delayed Certificate of Birth after 7 years of the date of birth have been included in the regulation, along with the form items to be completed. The provisions have been amended to specify the filing process for late and delayed Certificate of Birth after 7 years of the date of birth. While the changes added discretionary requirements to the regulations, the amended provisions more clearly communicate the processes by which a late or delayed Certificate of Birth is filed.
12VAC5-550-240	Amendments specify who is authorized to file a late or delayed Certificate of Birth for an intended registrant. A provision that a late or delayed Certificate of Birth will not be filed if a prior birth certificate is found for the registrant has been combined	The amendments do not alter who is authorized to file a late or delayed birth certificate; rather, the amendments specify who is authorized to file a late or delayed birth certificate for an intended registrant born in the Commonwealth.

	with the requirement that a late or delayed Certificate of Birth will not be filed if the registrant is deceased.	The requirement that a late or delayed birth certificate is not to be established if the intended registrant has an existing birth certificate was removed from 12VAC5-550-260 and included in 12VAC5-550-240 as it is a condition of all late or delayed birth filings, and is not limited in applicability to delayed birth filings after 7 years from the registrant's date of birth.
12VAC5-550-250	Provisions identifying the form to be completed for late and delayed birth filings within 7 years have been removed and are instead referenced in 12VAC5-550-230.	The amendments clarify the requirements for signing the form used for late or delayed birth filings.
12VAC5-550-260	The requirement that a late or delayed birth certificate will not be filed if a prior birth certificate is located for the registrant has been removed and incorporated into 12VAC5-550-240 as it is a condition of all late or delayed birth registrations, and is not limited in applicability to delayed registrations after 7 years from the registrant's date of birth. The requirement that delayed birth filings are to be prepared on a form supplied by the State Registrar has been removed. Examples of primary evidence have been removed as primary evidence is defined in 12VAC-550-5.	Removing the requirement that delayed birth filings are to be prepared on forms supplied by the State Registrar removed a duplicative requirement from the regulations. The requirement that delayed birth filings after seven years from the registrant's date of birth be prepared on forms supplied by the State Registrar has been removed as it is duplicative to statutory requirements, and proposed amendments to 12VAC-550-230 identify the form to be used for delayed birth registrations after 7 years of the registrant's date of birth. Removing examples of primary evidence removed a discretionary requirement from the regulations.
12VAC5-550-280	References to the establishment of a new birth certificate after legitimation, acknowledgment	A duplicative provision related to the required evidence supporting the establishment of

	of paternity, or court determination of paternity have been removed as they are discussed in subsequent sections of the regulations. Subsection A combines the three circumstances in which the State Registrar is authorized to prepare a new birth certificate after adoption. A duplicative provision requiring the submission of an adoption report or certified copy of an adoption decree to the State Registrar has been removed. Subsection C has been created to specify that an existing birth certificate must be located before a new birth certificate is established due to adoption. The provision specifies that if there is no existing birth certificate for the adopted child, a late or delayed certificate of birth must be established before the new birth certificate can be created and issued.	the new birth certificate has been removed. The amendments clarify that an existing birth certificate must be located for the adopted child before a new birth, post-adoptive, birth certificate can be established by the State Registrar. The changes also specify that a late or delayed birth certificate can be established prior to the creating of the new birth certificate if an existing birth certificate for the adopted child cannot be located.
12VAC5-550-290	The regulation has been repealed. The existing requirement that the registrant's parent's marriage record is also required to be provided to the State Registrar to establish a new birth certificate because of legitimation has been moved to 12VAC5-550-300.	The repeal of the regulation removed four statutory requirements and two discretionary requirements.
12VAC5-550-300	The process by which a new birth certificate is established after an acknowledgement of paternity and legitimation of a registrant have been combined	The requirements do not alter the current processes associated with establishing a new birth certificate because of an acknowledgement of paternity or legitimation of a

	as both processes require the VS22 form to be completed. A provision was added to specify that a copy of the registrant's parent's marriage record is also required to be submitted to the State Registrar if a new birth certificate is established because of a registrant's legitimation. Statutory requirements specifying when a court determination of paternity is needed to establish a new birth certificate because of an acknowledgement of paternity and/or legitimation of the registrant have been separated in the regulations to make the regulations easier to read.	registrant, but instead specify that the same process is used in both scenarios, except that a copy of the registrant's parent's marriage record is also required to establish the new birth certificate because a registrant's legitimation.
12VAC5-550-310	Statutory requirements specifying the documentation to be submitted to the State Registrar, and the individuals and agencies authorized to submit a court determination of paternity have been added to the regulation. Form and style edits in subsection C created an additional discretionary requirement.	The requirements do not alter the current processes associated with submission and acceptance of a court determination of paternity to establish a new birth certificate because of a court determination of paternity, but rather are amended to clarify the conditions under which and the process executed to establish the new birth certificate.
12VAC5-550-330	Two new subsections have been added that outline the information needed to locate an existing birth certificate for a registrant, and the forms upon which the information is provided to the State Registrar.	The requirements do not alter the current processes associated with establishing a new birth certificate, but instead clarify the information required to be submitted to the State Registrar, and the forms required for such submission, to locate an existing birth certificate for the registrant.
12VAC5-550-340	The regulation has been amended to add a discretionary	The requirements do not alter the current processes

	requirement specifying that the State Registrar may store sealed vital records in physical and electronic files.	associated with creating and sealing vital records, but instead open pathways to compliance by authorizing the State Registrar to maintain both physical and digital sealed files. This change allows the State Registrar to better maintain the vital records vault and digital database as part of the system of vital records.
12VAC5-550-350	The definition of medical certification of cause of death has been removed and moved to 12VAC5-550-5. Two examples of the actions taken by the physician or medical examiner in circumstances in which autopsy findings significantly alter the cause of death have been removed.	Requirements were reduced by removing the definition of medical certification of cause of death, and removing two examples of actions taken in response to the findings of an autopsy that significantly alter the cause of death.
12VAC5-550-360	Changes incorporate existing provisions in 12VAC5-550-370. Statutory requirements identifying the persons authorized by the Code of Virginia to complete and file the medical certification of the cause of death on a death certificate have been added to the regulations.	Amendments specifying who is authorized by §32.1-263 Code of Virginia to complete and file a medical certification of the cause of death provides clarity to the regulations and processes associated with the medical certification of the cause of death. Conforming the regulations to the Style Guide and removing a duplicative provision related to the responsibility of an institution removed two discretionary requirements.
12VAC5-550-370	Repeal of the regulation and incorporation of existing provisions into 12VAC5-550-370	Repeal of the regulation removed one statutory and four discretionary requirements.
12VAC5-550-380	An existing discretionary requirement requiring a physician to sign the medical	There are no new requirements and the responsibility of the hospital or institution when

	certification of the cause of death on a death certificate form if a VS2 form is used has been moved to a separate subsection in the regulations. Amendments specify who may complete the medical certification of the cause of death if a hospital or institutional administrator prepares the death certificate form, and the form used by the hospital administrator when helping to prepare the death certificate.	preparing the VS2 form remains unchanged. The changes specify the persons authorized to complete the medical certification of the cause of death and the forms used by the hospital or institution administrator when preparing the VS2 form.
12VAC5-550-390	A provision has been added specifying the persons authorized by the Code of Virginia to complete the medical certification of the cause of death on a death certificate if a completed cause of death is not available when a funeral service licensee takes possession of a dead body. A provision requiring city, county, or special registrars to file death certificates in the jurisdiction where the death occurred, or the deceased human body is found, has been removed. The regulation has been amended to specify that death certificates may be filed outside of the jurisdiction in which the death occurred, or the body was found.	The provision requiring city, county, or special registrars to file death certifications in the jurisdiction where the death occurred was removed to comply with Chapter 784 of the 2017 Acts of Assembly, which opened an additional pathway to compliance when filing a death certificate, by allowing the death certificate to be filed non-electronically outside of the jurisdiction in which the death occurred, or the body was found. Adding a provision specifying the persons authorized by the Code of Virginia to complete the medical certification of the cause of death on a death certificate if a completed cause of death is not available when a funeral service licensee takes possession of a dead body, provides funeral services licensees with a process to follow if the cause of death is not completed when he takes possession of a dead body, and

		clarifies this process in the regulations.
12VAC5-550-400	A provision requiring death certificates filed with city, county, or special registrars in the jurisdiction where the death occurred was removed as the requirement is no longer required by statute.	The regulations open pathways to compliance by allowing death certificate forms to be filed non-electronically with city, county, or special registrars in any jurisdiction in the Commonwealth.
12VAC5-550-410	Two statutory requirements have been removed that (i) directed city, county, and special registrars not to consecutively number death certificate forms filed in their jurisdiction if the death occurred in a different jurisdiction within the Commonwealth, and (ii) directed city, county, and special registrars to forward such death certificate forms to the registrar of the jurisdiction where the death occurred. A new subsection A was created to add a definition of a provisional death certificate to the regulations, along with clarification of the information contained on the provisional death certificate, and restrictions concerning its use. An existing provision requiring death certificates to be filed with a registrar other than the registrar at the place of death has been amended to clarify the forms used to file a death certificate, and authorize death certificates to be filed electronically using electronic media approved by the State Registrar.	The two statutory requirements were removed to conform to changes to the Code of Virginia that removed the restriction that death certificates be filed with registrars in the jurisdiction where the death occurred. Requirements added to the regulation specify the conditions under which a provision death certificate may be issued, the forms used to file a provisional death certificate and the forms used to replace a provisional death certificate with a completed death certificate form. The amendments open pathways to compliance and conform the regulation to the Code of Virginia by (i) authorizing the filing of death certificate forms to be made electronically using electronic media approved by the State Registrar, and (ii) allowing non-electronically filed death certificate forms to be filed with a registrar in any Commonwealth jurisdiction.

	The changes remove an existing provision requiring registrars that registrars do not consecutively number death certificate forms filed with them for a death that has occurred in a different jurisdiction and send the form to the registrar in the jurisdiction where the death occurred, as most death certificate forms are filed electronically, and statutes have been changed to remove the requirement that non-electronically filed death certificates be filed with a registrar in the jurisdiction where the death occurred.	
12VAC5-550-420	The regulations have been amended to (i) identify the forms used to file a death certificate in the Commonwealth; (ii) specify the information and the form or statement required to be completed by a medical certifier and submitted to the State Registrar to complete the cause of death to a death certificate form in pending status; and (iii) authorize medical examiners to add cause of death information using electronic media approved by the State Registrar.	The changes reflect the current operational practices of the Office of Vital Records when adding a cause of death to a death certificate in “pending” status. Amending the regulations to allow medical examiners to complete cause of death information to a death certificate using electronic media approved by the State Registrar allows medical examiners to utilize new technologies such as e-amendments in the Virginia Vital Events Screening and Tracking System (VVESTS). The amended regulations specify the information and the forms or statements to be submitted to the State Registrar by medical certifiers when adding the cause of death to a

		death certificate in “pending” status.
12VAC5-550-430	Amendments to subsection B specify the persons who submit applications for a disinterment permit to a city or county registrar. A requirement was added to subsection B allowing for the submission of disinterment permits to be completed on physical forms or electronic media approved by the State Registrar.	Amendments clarify who may submit applications for disinterment permits and expand the pathway to compliance for the submission of disinterment permits to Commonwealth registrars by authorizing electronic submission actions.
12VAC5-550-450	Under this action, subsection A has been amended to define a “correction affidavit.” Amendments to subsection B specify who is authorized to submit a correction affidavit to the State Registrar, clarify the State Registrar’s responsibility to correct a name on a birth certificate if the name is not known or used by the registrant, and conform subdivision B.3 to §32.1-269 of the Code of Virginia in relation to amending birth certificates based on hermaphroditism and pseudo-hermaphroditism as well as name changes on vital records. The State Registrar’s authority to provide administrative changes to minor corrections in the spelling of a spouse’s name on a birth certificate was removed, as “spouse” of the registrant is not a birth certificate item. Subsection C has been created using an existing provision that	The changes clarify the form used as a correction affidavit, and specify the responsibilities of the State Registrar when changing information such as the name, date of birth, and sex as listed on a registrant’s birth certificate. Removal of the requirement that a Federal Census Bureau transcript is required as evidence to a court to amend the date of birth more than one year and one day was made as the court retains the authority to determine what evidence is sufficient to grant a court order directing the State Registrar to amend the date of birth on the registrant’s birth certificate. Amending the regulations to require a court order to change the registrant’s date of birth if the date of birth is to be changed more than one year and one day has been made to ensure that the timeframe for the State Registrar to process

	a court order is required if information is to be changed on a vital record more than one time. Two provisions have been added that (i) prohibit corrections or amendments to records of marriage, divorce, or annulment unless a certified copy of the change is received by the State Registrar from the court granting the change of information on the record; and (ii) provide an exception to the timeframe for which secondary evidence must be established for death certificates. A requirement identifying the evidence to be supplied to the court if the date of birth on a birth certificate is to be changed more than one year was removed from the regulation. The regulation has also been amended to require a court order to amend the date of birth on a birth certificate after one year and one day from the date of birth. Structural changes to the regulations and amendments related to changes of information on death certificates were part of Fast-Track amendments approved by the Board of Health in June 2023. The previous regulatory action separated the requirements related to amending birth and death certificates and conformed the regulations to changes under Chapters 465 and 466 of the	administrative changes to the date of birth on a birth certificate incorporates at least one full year past the original birth date listed on the birth certificate.
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	2022 Acts of Assembly which changed the process by which death certificates can be amended, and the evidence required for amendment (subsections D and F).	
12VAC5-550-470	Two definitions of legal representative when obtaining information or certified copies of birth and death certificates were removed from the regulation, combined, and moved to 12VAC5-550-5 (Definitions). Provisions have been added directing readers to sections 12VAC5-550-100 and 12VAC5-550-110 for the processes to request a copy of a birth or death certificate, respectively. Language has been added specifying the authority of the Department of Motor Vehicles to issue vital records. A provision has been added differentiating between the authority of the Department of Motor Vehicles to issue vital records and the authority of the registrars to fulfill requests for data from vital records.	The removal of the definitions reduced requirements in the regulation. The amendments do not alter the processes followed when requesting copies of a vital record, and differentiate between the permissions granted to the State Registrar, Commonwealth registrars, and the Department of Motor Vehicles when requesting data from vital records. The changes direct readers to the processes related to obtaining certified copies of a birth certificate or death certificate. Revisions separate the requirements related to requests for vital records, vital record data, vital record information, and death verifications.
12VAC5-550-480	The authority of city and county registrars to permit the use of vital record data has been removed from the regulations.	The changes account for current operational practices associated with the governance and administration of the system of vital records; specifically, that city and county registrars to not have access to nor maintain all data from forms filed with them. City and county registrars do not currently receive requests

		for vital record data or information, as these requests are made directly to the State Registrar.
12VAC5-550-510	A statutory requirement was added authorizing the Department of Motor Vehicles to issue certified copies of vital records to conform to §32.1-273 of the Code of Virginia.	The amendments do not change the processes associated with issuing certified copies of vital records, nor the statement, signature, or seal embedded on certified copies of vital records, but rather clarify who is authorized to issue certified copies of vital records, and the statement, signature, and seal to be included on each copy of a vital record. The changes specify that the Department of Motor Vehicles is authorized by statute to issue certified copies of vital records.