

WASHINGTON STATE BOARD OF HEALTH

Date: November 9, 2022

To: Washington State Board of Health Members

From: Keith Grellner, Board Chair

Subject: Department of Health Request for Rulemaking Delegation, WAC 246-491-029, Information Collected on the Confidential Section of Live Birth and Death Certificates

Background and Summary:

The State Board of Health (Board) has the authority to adopt rules specifying pertinent information in vital statistic records relative to birth and manner of delivery necessary for statistical study under RCW 70.58A.020(3). WAC 246-491-029 sets forth the specific information collected in the confidential section of live birth and fetal death certificates.

The Department of Health (Department) is requesting delegation of rulemaking authority to propose and adopt changes to WAC 246-491-029 based on new statutory requirements and processes that affect the registration and certification of vital records. These changes directly affect live birth and fetal death certificates.

In 2018, Washington passed Senate Bill 6037, which updated the Uniform Parentage Act (UPA). The UPA provides a framework for how a legal parent-child relationship may be established or challenged. This bill was passed due to a federal amendment to the UPA in 2017. Amendments to this act expanded surrogacy rights and duties, including in the birth registration process. In addition, updates to the act included broader definitions of the term “parent” and “parentage” to recognize and protect the diversity of families and non-biological (or de facto) parent-child relationships.

Subsequently, in 2019, the Legislature added chapter 70.58A RCW, Vital Statistics, which repealed the previous chapter 70.58 RCW and created new sections of law to replace those repealed. Changes made to the vital records law included limiting the access of certified copies of birth and death records to qualified applicants, giving the Department authority to amend specified vital records and transfer custody of them to state archives, and updating references and definitions to reflect the UPA. Two sections took effect in 2019, and the remaining chapter sections took effect on January 1, 2021.

Finally, in 2021 the Legislature passed HB 1031, which added stillbirth as an option for certification of fetal death by the state or local registrar. As a result of the new legal requirements and processes referenced above, the Department’s Center for Health Statistics (CHS) needs to update the existing rules to incorporate these changes.

In addition, since 2014, the National Center for Health Statistics (NCHS) standards for birth and fetal death certificate items have changed significantly. The Department may

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want to align WAC 246-491-029 with these new standards. Continual realignment with national standards supports interoperability and the collection of useful data as these standards change over time.

Consistent with RCW 43.20.050(4) and Board Policy Number 2000-001, the Department is requesting delegation of rulemaking authority to amend Tables 1 and 2, statistical information contained in the confidential sections of birth and fetal death certificates, in WAC 246-491-029 for consistency with current state and federal laws.

I have asked Molly Dinardo, Board Staff, and Katitza Holthaus, Department Staff, to provide additional information for the Board's consideration of this request.

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt the following motion:

The Board delegates to the Washington State Department of Health rulemaking authority to make changes to WAC 246-491-029, as appropriate, to align with current law and National Center for Health Statistics standards.

Staff

Molly Dinardo

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