



Dedicated to protecting and improving the health and environment of the people of Colorado

To: Members of the State Board of Health

From: Ron Hyman, State Registrar

Through: Dana Erpelding, Director, CHED *DE*

Date: April 30, 2015

Subject: Request for Rulemaking Hearing  
Proposed Amendments to 5 CCR 1006-1, Colorado Vital Statistics Regulations with a request for the rulemaking hearing to occur in July 2015

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The Office of the State Registrar of Vital Statistics is proposing changes to the Vital Statistics regulations to include language encouraging the use of electronic registration of vital events. The Office of the State Registrar is in the process of implementing an Electronic Death Registration System. This system complements the existing Electronic Birth Registration System. Electronic registration of vital events provides efficiency and reduced costs for local reporting sources, the benefits of real time edit checks to reduce errors and improve data quality, and faster availability of records to our citizens. Other states that have implemented such systems report some reluctance to adopting new technology among some reporting entities. As the number of entities reporting vital events electronically continues to increase, the more the user community, and our citizens will benefit, as the data will be routed more efficiently, providing birth and death certificates to families quickly, and the data will be of higher quality, reducing the need to correct errors. As we build capacity and knowledge levels in the user communities, the Office of the State Registrar of Vital Statistics would like to eventually require the electronic submission of vital events data in the vast majority of cases.

#### MODIFICATION TO SECTION 2.1 FORMS

The proposed modification clarifies that only electronic registration system software approved by the state registrar shall be used in the electronic reporting of vital events.

#### MODIFICATION TO SECTION 2.2 REQUIREMENTS FOR PREPARATION OF CERTIFICATES

The proposed modification provides reporting entities with the option of providing data on paper or by using the current version of the electronic registration system approved by the state registrar. This modification states that use of the approved electronic registration system is the preferred method to be used in most circumstances.

STATEMENT OF BASIS AND PURPOSE  
AND SPECIFIC STATUTORY AUTHORITY  
for Amendments to  
5 CCR 1006-1, Colorado Vital Statistics Regulations

**Basis and Purpose.**

The proposed changes promote the use of electronic registration of vital events by including language in the regulations to encourage reporting entities, such as hospitals, funeral homes and coroners, to submit vital event data electronically. Electronic registration provides the benefits of real time edit checks resulting in higher data quality, lowers the cost of data reporting to the majority of users, and improves the timeliness of issuing birth and death certificates to families.

**Specific Statutory Authority.**

These rules are promulgated pursuant to the following statutes: C.R.S. 25-2-103 through 25-2-105.

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SUPPLEMENTAL QUESTIONS

Is this rulemaking due to a change in state statute?

\_\_\_\_\_ Yes, the bill number is \_\_\_\_\_; rules are \_\_\_ authorized \_\_\_ required.  
\_\_\_X\_\_\_ No

Is this rulemaking due to a federal statutory or regulatory change?

\_\_\_\_\_ Yes  
\_\_\_X\_\_\_ No

Does this rule incorporate materials by reference?

\_\_\_\_\_ Yes  
\_\_\_X\_\_\_ No

Does this rule create or modify fines or fees?

\_\_\_\_\_ Yes  
\_\_\_X\_\_\_ No

**REGULATORY ANALYSIS**  
for Amendments to  
5 CCR 1006-1, Colorado Vital Statistics Regulations

1. **A description of the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.**  
Electronic registration impacts hospitals, physicians, funeral homes, coroners, local vital records offices, and clerk and recorder offices. As the electronic registration system software is provided free of charge to these entities, the cost is estimated to be minimal (training, computer purchase, etc).  
  
Families and citizens needing certified copies of vital records will benefit from higher quality documents needing fewer corrections, by wider availability of documents, and by more timely availability of documents.
2. **To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.**  
Funeral homes will no longer need to employ staff to transport pieces of paper (the physical death certificate) to doctor's offices, coroners, and local health departments. This often involves multiple trips. The savings will be from staff time, transportation costs, and having to drop off the paper and pick it back up the following business day.
3. **The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.**  
The state has made a significant investment in electronic registration systems, the full benefit of which will come with significant adoption by the key players associated with each event type (birth and death).
4. **A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.**  
Experience from other states suggests that adoption by user agencies will be slower without added incentive to fully utilize the systems.
5. **A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.**  
The proposed language encourages participation by all parties. If this does not lead to significant adoption levels, then the agency will consider proposing stronger language mandating usage in most common situations.
6. **Alternative Rules or Alternatives to Rulemaking Considered and Why Rejected.**  
Voluntary participation is preferable, but the experience in other states suggests this may not be sufficient to achieve the levels of adoption necessary to realize the full benefits of electronic registration.
7. **To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.**  
Over thirty states have adopted some form of electronic registration of vital events. Adoption rates have ranged from miniscule to over 80%. In discussions with other state registrars, the common theme is that the stronger the encouragement of users to participate, the higher and faster the rate of participation is.

STAKEHOLDER COMMENTS  
for Amendments to  
5 CCR 1006-1, Colorado Vital Statistics Regulations

The following individuals and/or entities were included in the development of these proposed rules:

Other State Registrars, National Association for Public Health Statistics and Information Services, National Center for Health Statistics, Colorado Funeral Directors Association, Colorado Funeral Services Board

The following individuals and/or entities were notified that this rule-making was proposed for consideration by the Board of Health:

Colorado Funeral Directors Association, Colorado Coroners Association, local Vital Record Offices

The Division will also be reaching out to the Colorado Hospital Association, county clerks and recorders and the Colorado Medical Society in May 2015.

Summarize Major Factual and Policy Issues Encountered and the Stakeholder Feedback Received. If there is a lack of consensus regarding the proposed rule, please also identify the Department's efforts to address stakeholder feedback or why the Department was unable to accommodate the request.

Funeral directors are in favor of mandating usage as they encounter significant issues with physician offices.

Please identify health equity and environmental justice (HEEJ) impacts. Does this proposal impact Coloradoans equally or equitably? Does this proposal provide an opportunity to advance HEEJ? Are there other factors that influenced these rules?

This proposal would provide benefits to all Colorado families.

## DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

## Health and Environmental Information and Statistics Division

## Vital Statistics

5 CCR 1006-1

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## 1 SECTION 2. DUTIES OF STATE REGISTRAR ( 25-2-103 THROUGH 25-2-105)

2  
3 Section 2.1 Forms

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5 All forms, certificates, and reports used in the system of vital statistics are the property of the Office  
6 of the State Registrar of Vital Statistics and shall be surrendered to the State Registrar of Vital  
7 Statistics - hereinafter referred to as "State Registrar" - upon demand. The forms prescribed and  
8 distributed by the State Registrar for reporting vital statistics shall be used only for official purposes.  
9 Only those forms furnished or approved by the State Registrar shall be used in the reporting of vital  
10 statistics or in making copies thereof. ONLY ELECTRONIC REGISTRATION SYSTEM SOFTWARE  
11 APPROVED BY THE STATE REGISTRAR SHALL BE USED IN THE ELECTRONIC REPORTING  
12 OF VITAL EVENTS.

13  
14 Section 2.2 Requirements for Preparation of Certificates

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16 All certificates and records relating to vital statistics must be prepared on a typewriter with a black  
17 ribbon, on a letter - quality printer with black ink or printed legibly in black, unfading ink, OR USING  
18 THE ELECTRONIC REGISTRATION SYSTEM APPROVED BY THE STATE REGISTRAR. USE  
19 OF AN APPROVED ELECTRONIC REGISTRATION SYSTEM IS THE PREFERRED METHOD TO  
20 BE USED IN MOST CIRCUMSTANCES. All signatures required shall be entered in black, unfading  
21 ink. Unless otherwise directed by the State Registrar, no certificate shall be complete and correct  
22 and acceptable for registration:

23  
24 (a) That does not have the certifier's name typed or printed legibly under his signature;

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26 (b) That does not supply all items of information called for thereon or satisfactorily account for  
27 their omission;

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29 (c) That contains alterations or erasures;

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31 (d) That does not contain handwritten signatures as required;

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33 (e) That is marked "copy" or "duplicate" ;

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35 (f) That is a carbon copy;

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37 (g) That is prepared on an improper form;

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39 (h) That contains improper or inconsistent data;

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41 (i) That contains an indefinite cause of death which denotes only symptoms of disease or  
42 conditions resulting from disease;

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44 (j) That is not in English or contains non-English symbols;

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46 (k) That is not prepared in conformity with regulations or instructions issued by the State  
47 Registrar.