

APA-1
4/18

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-7-1-.17

Rule Title Amendment or Correction of Personal and Statistical Information on Death Certificates

New XXXX Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of Certifying Officer *D. R. ...* Date 8/18/22

REC'D & FILED

AUG 18 2022

LEGISLATIVE SVC AGENCY

FORM APA2
10/17

STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-7-1-.17, Amendment or Correction of Personal and Statistical Information on Death Certificates

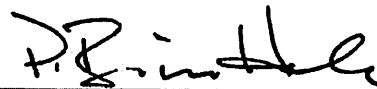
INTENDED ACTION: To amend the current rule.

SUBSTANCE OF PROPOSED ACTION: To document the requirement for identification from an applicant requesting to amend information on a death certificate, provide additional requirements and clarification for a funeral home applicant requesting to amend information on a death certificate, and remove and clarify ambiguous text.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held on September 15, 2022, at 9:00 a.m., at the RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on October 5, 2022. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Nicole H. Rushing, Center for Health Statistics, Alabama Department of Public Health, P.O. Box 5625, Montgomery, Alabama 36103-5625, Telephone Number: (334) 206-2679.



P. Brian Hale, Agency Secretary

420-7-1-.17 Amendment or Correction of Personal and Statistical Information on Death Certificates

(1) Death certificates contain personal and statistical information about the decedent as provided to the funeral director, or person acting as such, by the informant listed on the death certificate. While information provided by the informant is presumed to be correct, it is recognized that the informant may not know all the correct information. Errors may also occur as the information is being entered into the death certificate by the funeral director.

(2) Who may apply to amend or correct personal and statistical information on death certificates:

- (a) The informant listed on the death certificate;
- (b) An immediate family member of the decedent;
- (c) The administrator or executor of the decedent's estate;
- (d) The funeral home that filed the death certificate; or
- (e) The legal representative of one of the above persons.

(f) Minor corrections to the personal and statistical information on death certificates may be made at the discretion of the State Registrar without a specific application from one of the above.

(g) A person who states he or she is the spouse of the decedent but whose name is not shown on the death certificate as the surviving spouse may make application to have his or her name added as the surviving spouse and the marital status amended.

(3) With the exception of minor corrections, an application to amend or correct the personal and statistical information on a death certificate must be made in writing by an authorized applicant and must be accompanied by valid identification and any required fee.

(4) Correction of Minor Errors Within One Year of the Date of the Event:

(a) Correction of obvious errors, transposition of letters in words, or additions of omitted information may be made by the State Registrar based upon his or her observation or query.

(b) A notation documenting the source of information for the correction or addition and the date the change was made shall be maintained with the certificate but does not need to appear on certified copies of the certificate.

(c) The certificate does not need to be marked "Amended."

(5) Amendment or Correction of Entry Errors Made by Funeral Director to Personal and Statistical Information on Death Certificates:

(a) Errors made by the funeral director who completed the personal and statistical information on the death certificate may be corrected or amended for a period up to one year after the date the death certificate was filed, upon receipt of a written statement signed by the funeral director stating that he or she made the error in entering information onto the death certificate.

1. Changing the informant listed on the death certificate to another individual may require additional documentation to demonstrate that an error was made by the funeral home.

2. Changing the marital status and surviving spouse information listed on the death certificate may require additional documentation to demonstrate that an error was made by the funeral home.

(b) If the State Registrar has reason to question the validity or accuracy of the statement, he or she may request additional documentation in support of the facts.

(c) The certificate will be marked "Amended."

(6) All Other Amendments or Corrections to Personal and Statistical Information on Death Certificates:

(a) To amend or correct errors of fact in the personal and statistical information on a death certificate, documentary evidence must be presented in support of the facts. All documents presented must contain adequate information to clearly indicate that they pertain to the registrant on the death certificate for which the correction has been requested.

1. Acceptable documents include, but are not limited to, documents such as:
 - a. Certified copy of a marriage record;
 - b. Certified copy of a divorce record;
 - c. Certified copy of birth certificate of the decedent;
 - d. Social Security records;
 - e. Passports or visas;
 - f. Military records;
 - g. Federal government records;
 - h. Government agency records for benefit establishment such as social services, Medicaid, clinical services, or similar services;
 - i. Court orders clearly establishing the facts to be amended;
 - j. Medical records;
 - k. Written statement of funeral director that he or she made an error in entering information into the death certificate; or
1. Other documents acceptable to the State Registrar.
2. Documents presented must be from independent sources. Family documents such as records from bibles or genealogical records are not acceptable.

3. Documents must be in the form of the original record or must be a duly certified copy or excerpt thereof from the original custodian of the record.

4. Only one document of each type may be used in cases where more than one document is required to support the facts.

(b) If a certified copy of the decedent's birth certificate is provided, no other documents are needed to correct the following items:

1. Misspelling of decedent's or parents' names;
2. Decedent's date of birth or age;
3. Addition of names of decedent's parents;
4. Decedent's state of birth; or
5. Decedent's sex.

(c) If verification of the social security number is provided directly from the Social Security Administration, no other documents are needed to correct the social security number of the decedent.

(d) Correction or amendment of marital status and surviving spouse other than errors of entry by the funeral director:

1. If the marital status is shown as divorced, widowed, or single with no surviving spouse listed and all of the following three conditions are met, the marital status shall be amended or corrected to married and the surviving spouse added:

a. A notarized affidavit from the informant saying that an error was made and stating the correct information.

b. A certified copy of the marriage certificate showing that the person to be listed as the surviving spouse was married to the decedent.

c. No evidence can be found to show that the decedent and the person to be listed as the surviving spouse were granted a divorce from that marriage.

Certified copies of statements from the states of residence of the decedent and the person to be listed as the spouse that no divorce certificate can be found after the date of marriage of the parties may be used to show that no divorce was granted.

2. If the marital status is shown as divorced, widowed, or single with no surviving spouse listed, a person claiming to have a common-law marriage may be added as the spouse and the marital status amended or changed to married, provided an order from a court of competent jurisdiction issued in a previous legal action found that the person was in a common-law marriage with the decedent at the time of his or her death.

3. If the marital status is shown as married and a surviving spouse is listed on the certificate, a death certificate of the spouse listed showing that the spouse died prior to the decedent may be used to change the marital status to widowed and remove the spouse shown.

4. If the marital status is shown as married and surviving spouse is listed as unknown or is blank on the certificate, a certified copy of a marriage certificate must be provided to add the name of the surviving spouse.

5. If the marital status is shown as married and a surviving spouse is listed on the certificate, an previously entered court order from a court of competent jurisdiction will be needed to change that spouse to a different person, or to change the marital status to divorced or single and remove the name of the spouse.

6. Other changes to marital status and surviving spouse will be made only upon the finding of a court of competent jurisdiction in an previously entered order that determined the marital status of the decedent and identified the surviving spouse, if appropriate.

(e) Amendment to other personal and statistical items on the death certificate:

1. Signatures may not be amended.

2. Other personal and statistical items on the death certificate may be amended with adequate documentary evidence to support the amendment. An previously entered

order from an Alabama circuit court determining the facts may be used to amend or correct any item except signatures, the date of filing, and the date of death to a date which is after the date of filing.

Author: Dorothy Harshbarger; Nicole Henderson Rushing

Statutory Authority: Code of Alabama, 1975, §22-9A-2, §22-9A-14, §22-9A-19.

History: Repealed and Replaced: Filed June 20, 2007; effective July 25, 2007. Amended: Filed XX-XX-XXXX; effective XX-XX-XXXX.