

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 105

(Chair, Finance Committee)(By Request - Departmental -
Health and Mental Hygiene)

Finance

Health and Government Operations

Health - Vital Records - Birth Certificates - Preparation and Filing Requirements

This departmental bill extends the time period within which a birth certificate must be completed and filed after birth from 72 hours to five calendar days.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: Any change in State activities does not materially affect State finances.

Local Effect: Local governments are not affected.

Small Business Effect: The Department of Health and Mental Hygiene (DHMH) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: Specifically, when a child is born in or en route to an institution, the administrative head of that institution must complete and file a birth certificate within five days; the attending medical practitioner must provide the date of birth and required medical information to do so within five days. Likewise, when a birth occurs outside an institution, the Secretary of Health and Mental Hygiene must verify the birth and provide a birth certificate form to be filled out by an authorized individual within five days. If a child is born on a common carrier, the birth certificate must be filed within five days after the child is removed from the carrier.

Current Law: When a child is born en route to an institution or in an institution, the head of that institution is responsible for completing and filing a birth certificate within 72 hours after birth. The attending physician, physician assistant, nurse practitioner, or nurse midwife must provide the required date of birth and medical information within 72 hours.

If a child is born outside of an institution, the birth must be verified by the Secretary of Health and Mental Hygiene within 72 hours. The Secretary must provide a birth certificate that is verified by (1) the attending individual; (2) the father or the mother; or (3) the individual in charge of the birth place.

Separate filing requirements apply when a child is born on a common carrier within the United States or outside of the United States (in international waters, airspace, or a foreign country). In either case, however, the birth certificate for a child born on a common carrier and first removed in Maryland must be filed within 72 hours after the child is removed from that carrier.

Background: In 2010, Maryland changed reporting requirements for data collected on birth certificates to comply with federal law. According to DHMH, these changes have significantly increased the reporting burden on hospitals, birthing centers, and other specified institutions. Consequently, these entities are struggling to comply with Maryland's 72-hour birth certificate filing requirement. The Vital Statistics Administration has found that birth discharge notes, which are necessary to fully complete birth certificates, are frequently not filed within 72 hours. This causes omissions and inaccurate information in birth certificates.

Almost all states have a lengthier filing period, with 28 allowing seven or more days to file. Maryland is one of three states requiring birth certificates to be filed in less than five days.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - January 7, 2014
ns/ljm

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Vital Records - Birth Certificates—Filing Requirement

BILL NUMBER: SB 105

PREPARED BY: Department of Health and Mental Hygiene

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

Increasing the length of time available to file a birth certificate will have no economic impact.