

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	05/20/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 6/24/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

10 03 01 08

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

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Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 03 HEALTH STATISTICS

10.03.01 Vital Records

Authority: Health-General Article, §4-217(c), Ch. 316, Acts of 2016, (HB 459),
Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of Health and Mental Hygiene proposes to amend Regulation .08 under COMAR 10.03.01 Vital Records.

Statement of Purpose

The purpose of this action is to reduce from \$24 to \$10 the fee collected by the Department for issuance of a certified or abridged copy of a birth certificate, issuance of the first copy of a certified death certificate issued in a single transaction, a report that a search of the birth or death certificate files was made and the requested record was not on file, and for each change to a birth or death certificate made later than 1 year after the certificate was registered with the Department. In addition, the proposed regulation reduces from \$20 to \$10 the fee that is transferred to the General Fund for a birth or death certificate that is issued by a local health department. These changes are being made in accordance with Chapter 316, Acts of 2016.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

There will be a reduction in revenue of approximately \$3.6 million per year since fees for birth and death certificates and related matters will be reduced.

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(R-)		\$3.6 million/year
B. On other State agencies:	(E-)		\$72,800
C. On local governments:	(E-)		\$12,600

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	\$3.6 million/year

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. Assuming that 140,052 birth certificates and 49,182 first copies of death certificates are issued; 3043 changes are made to birth and death certificates more than one year after registration; and 95,752 certificates are issued by local health departments, the public and government agencies that request copies of vital records will pay \$3.6 million less in fees, resulting in a comparable loss in revenue. All fees collected by the Division of Vital Records are transferred to the General Fund.

B. Approximately 5200 certificates a year are issued to other State agencies; the reduction in fees will result in a reduction of expenditures of approximately \$72,800 per year.

C. Approximately 900 certificates a year are issued to local government agencies; the reduction in fees will result in a reduction of expenditures of approximately \$12,600 per year.

F. See A. above

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through July 25, 2016. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2017
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:
- D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:
- E. If these regulations have no economic impact under Part A, indicate reason briefly:
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
Small businesses are not affected because individuals, and not businesses, may obtain copies of birth and death records.
- G. Small Business Worksheet:

Attached Document:

Title 10

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10.03.01.08 (May 10, 2016)

.08 Inspection of Records and Disclosure of Information.

A.—H. (text unchanged)

I. Fees Collected by the Department.

(1) The Department shall collect a \$12 fee when the Department:

(a) Issues a certified or abridged copy of a:

(i) Death certificate *provided concurrently with an initial requested death certificate*;

(ii)—(vi) (text unchanged)

(b) Issues a report that a search of the [death,] fetal death, marriage, or divorce files was made and a requested record is not on file;

(c) Makes an amendment to a [death,] fetal death, or marriage certificate pursuant to a request made more than 1 year after the certificate was registered with the Department; or

(d) (text unchanged)

(2) The Department shall collect a [\$24] \$10 fee when the Department:

(a) Issues a certified or abridged copy of [a birth certificate;]:

(i) *A birth certificate; or*

(ii) *The first copy of a death certificate issued in a single transaction.*

(b) Issues a report that a search of the birth *or* death certificate files was made and a requested record is not on file; or

(c) Makes an amendment to a birth *or death* certificate pursuant to a request made more than 1 year after the certificate was registered with the Department.

J. Fees Collected by Local Health Departments.

(1) (text unchanged)

(2) From the fee collected for providing a certificate or report under §J(1) of this regulation, the local health department shall transfer [\$20] \$10 to the General Fund of the State.

K.—N. (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene

FEE JUSTIFICATION

(1) Explain/justify why an increase or decrease is necessary:

Fees are being reduced in order to benefit applicants by reducing their costs relating to certain transactions.

(2) How much money is needed to operate effectively or to eliminate an operating fund deficit?

(3) In what year was the most recent fee increase?

2011

(4) Is the fee revenue retained by the Proposing Unit or passed through to a national organization that administers a uniform licensing exam?

(5) Describe any measures taken to mitigate the need for increased revenue:

N/A

(6) Describe any special circumstances that have had an adverse impact on the Proposing Unit's operating expenses.

N/A

(7) Describe any consideration given by the Proposing Unit as to the hardship a fee increase may have on the regulated profession.

N/A

(8) Describe any efforts to solicit the opinions of licensees regarding the Proposing Unit's effectiveness and performance.

N/A

