

WSR 21-13-096
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 18, 2021, 12:46 p.m.]

Subject of Possible Rule Making: Chapter 246-491 WAC, Certificates; and WAC 246-490-200 Electronic reporting of deaths. The department of health (department) is considering amending and creating new rules in chapter 246-491 WAC to prescribe the information that displays on the certification of birth resulting in stillbirth, add the certification of birth resulting in stillbirth to existing requirements for a person to prove eligibility to obtain the certification, change the issuance process from paper to electronic, and make technical updates to align with chapter 70.58A RCW. The rules may also amend WAC 246-490-200 to remove the exclusion of fetal deaths from being registered electronically.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.58A.020 and HB 1031 (chapter 55, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are necessary to implement HB 1031 (chapter 55, Laws of 2021) which creates a new product for fetal deaths (i.e. the certification of birth resulting in stillbirth), to be issued by the state or local registrar to only the individual who gave birth listed on the fetal death record. It requires the certification of birth resulting in stillbirth to be in a format similar to the certification of live birth and contain a title that reads: "This certificate of birth resulting in stillbirth is not proof of a live birth and is not an identity document." The bill goes into effect October 1, 2022. In 2020, the department adopted rules in chapter 246-491 WAC to implement the new vital records statute, chapter 70.58A RCW. These rules prescribe the information displayed on certifications of birth, death, and fetal death records and established a formalized procedure with required documentation for individuals requesting certifications. Rules are necessary to prescribe the information that displays on the certification of birth resulting in stillbirth and to add the new product to existing requirements for a person to prove eligibility to obtain the certification.

Furthermore, to increase the timeliness of registration and create efficiency in issuance, the department is considering amending chapter 246-491 WAC, Certificates; and WAC 246-490-200 Electronic reporting of deaths. The rules may remove the exclusion of fetal deaths from being registered electronically and change the issuance process from paper to electronic. These changes may allow quicker access to certificates for families who experienced a fetal death. The department may also make technical updates to existing rules to align with chapter 70.58A RCW.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katitza Holthaus, P.O. Box 47814, Olympia, WA 98504, phone 360-236-4311, fax 360-753-4135, TTY 711, email katitza.holthaus@doh.wa.gov, website <http://www.doh.wa.gov/AboutUs/RuleMaking>.

Additional comments: Interested parties can participate in the drafting of the proposed rule. The department will use existing listserv and other known contact information to inform stakeholders of op-

portunities to provide input on proposed rule language. To be included on an interested parties list, contact Katitza Holthaus.

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