

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.8.104 and 37.8.108) PROPOSED AMENDMENT
pertaining to Authorized format for)
Submission of a Vital Record and)
Amendment Process and Document)
Requirements)

TO: All Concerned Persons

1. On January 10, 2025, at 9:00 a.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rules. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: <https://mt-gov.zoom.us/j/82497559748?pwd=EXLuLpmPcK3HfwgonhO1xchEa4OB4Y.1>, meeting ID: 824 9755 9748, and password: 423542; or

(b) Dial by telephone: +1 646 558 8656, meeting ID: 824 9755 9748, and password: 423542. Find your local number: <https://mt-gov.zoom.us/u/kKRhXH0ju>.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on December 27, 2024, to advise us of the nature of the accommodation that you need. Please contact Bailey Yuhás, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

37.8.104 AUTHORIZED FORMAT FOR SUBMISSION OF A VITAL RECORD (1) All vital records, such as marriage license applications, and birth certificates, death certificates, fetal death certificates, and marriage certificates, ~~must be~~ shall be submitted electronically using the department's electronic registration system, and in rare instances where access to the department's electronic registration system is unavailable, submitted on forms provided or authorized by the department.

(2) When vital records are submitted outside of the department's electronic registration system due to unavailability of the system, each vital record application and certificate must be typed or plainly written in unfading black ink that is legible on all copies or must be completed using computer printers that produce dense and

legible characters in black. The characters entered onto these forms must be adequate for high quality reproduction by microfilming or photocopying and may not contain any alterations or obliteration of the original data.

(3) remains the same.

AUTH: 50-15-102, 50-15-103, MCA

IMP: 40-1-107, 50-15-102, 50-15-103, 50-15-121, 50-15-124, MCA

37.8.108 AMENDMENT PROCESS AND DOCUMENT REQUIREMENTS

(1) Except as noted in ARM 37.8.311, a filed original vital record must be amended by either electronic means by maintaining an audit trail of the amended record in the department's electronic registration system or, for non-electronic records, by placing a line through the information to be deleted and typing the new information above the line. ~~Electronic records must be amended by overlaying the new information on all electronic images of the record used for certified copies.~~ Printed copies of amended electronic records shall display the most recent changes made to the record in a manner determined by the department. If the change to the record is to add missing or blank information, the added information must be entered in the appropriate location.

(2) through (7) remain the same.

AUTH: 50-15-102, 50-15-103, 50-15-204, 50-15-208, 50-15-223, MCA

IMP: 50-15-102, 50-15-103, 50-15-204, 50-15-208, 50-15-223, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing this rulemaking to implement the use of a new electronic registration system for vital records. The new electronic registration system will allow data providers to submit information pertaining to vital records data electronically and will replace the need to send hard copy documents to the department.

37.8.104

The department is proposing to amend this rule to require that vital records, such as marriage license application information, birth certificates, death certificates, and fetal death certificates, be submitted using the new electronic registration system. Under this proposed amendment, persons and entities responsible for furnishing information necessary for the creation of vital records such as county clerks, funeral homes, hospitals, clinics, and coroners will be required to submit such information electronically using the new registration system. The registration system will be made available by the department to users at no cost. The department is proposing to make use of the electronic system mandatory to ensure accurate and timely reporting of information necessary for the creation and maintenance of vital records. The proposed amendment allows for hard copy records to be submitted only in rare cases in which the electronic system is unavailable due to maintenance or a technical failure of the system.

37.8.108

The department is proposing to amend this rule to update the procedure for amending vital records to align with use of the new electronic system. The proposed amendment eliminates the antiquated practice of using a typewriter to overlay the amended information on electronic images of vital records to create certified copies of amended vital records. In place of this practice, the department is proposing to implement amendments to vital records by electronic means through maintaining an audit trail of the amended record in the department's electronic database system. Older non-electronic records will still be amended by striking through old information and overlaying the new information.

Fiscal Impact

There is no anticipated fiscal impact associated with this rulemaking

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Bailey Yuhas, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov, and must be received no later than 5:00 p.m., January 17, 2025.

6. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above.

8. An electronic copy of this notice is available on the department's web site at <https://dphhs.mt.gov/LegalResources/administrativerules>, or through the Secretary of State's web site at rules.mt.gov.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Robert Lishman
Robert Lishman
Rule Reviewer

/s/ Charles T. Brereton
Charles T. Brereton, Director
Department of Public Health and Human
Services

Certified to the Secretary of State December 10, 2024.