



# *Rhode Island Department of Health*

## **PUBLIC NOTICE**

The Director of the Rhode Island Department of Health has determined to amend the rules and regulations listed below to remove the specific dollar value of all fees for licensing, laboratory and administrative services provided by the Department of Health from the individual regulations and reference all such fees to a new consolidated fee regulation (to be promulgated separately). These amendments are proposed pursuant to the authority contained in Public Law 2012-241, enacted by the General Assembly on 15 June 2012, and the relevant sections of the respective professional practice and licensure acts.

### **The following seventy-five (75) regulations are proposed to be amended:**

1. Food Code
2. Rules and Regulations Establishing Educational and Experience Requirements for Registration as a Sanitarian
3. Rules and Regulations for Asbestos Control
4. Rules and Regulations for Bottled Water
5. Rules and Regulations for Certifying Analytical Laboratories
6. Rules and Regulations for Determination of Need for New Health Care Equipment and New Institutional Health Services
7. Rules and Regulations for Lead Poisoning Prevention
8. Rules and Regulations for Licensing Assisted Living Residences
9. Rules and Regulations for Licensing Athletic Trainers
10. Rules and Regulations for Licensing Birth Centers
11. Rules and Regulations for Licensing Chemical Dependency Professionals
12. Rules and Regulations for Licensing Clinical Laboratories and Stations
13. Rules and Regulations for Licensing Clinical Social Workers and Independent Clinical Social Workers
14. Rules and Regulations for Licensing Doctors of Acupuncture and Acupuncture Assistants
15. Rules and Regulations for Licensing Home Nursing Care Providers and Home Care Providers
16. Rules and Regulations for Licensing Hospice Care
17. Rules and Regulations for Licensing Interpreters for the Deaf
18. Rules and Regulations for Licensing Kidney Disease Treatment Centers
19. Rules and Regulations for Licensing Massage Therapists
20. Rules and Regulations for Licensing Mental Health Counselors and Marriage and Family Therapists
21. Rules and Regulations for Licensing Occupational Therapists and Occupational Therapy Assistants
22. Rules and Regulations for Licensing of Hospitals
23. Rules and Regulations for Licensing of Midwives
24. Rules and Regulations for Licensing of Nursing Facilities
25. Rules and Regulations for Licensing of Nursing Home Administrators
26. Rules and Regulations for Licensing Physical Therapists and Physical Therapist Assistants
27. Rules and Regulations for Licensing Psychologists
28. Rules and Regulations for Licensing Rehabilitation Hospital Centers

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29. Rules and Regulations for Licensing Respiratory Care Practitioners
30. Rules and Regulations for Licensing Speech Pathologists and Audiologists
31. Rules and Regulations for Licensing Swimming and Wading Pools, Hot Tubs, and Spas
32. Rules and Regulations for Licensure and Discipline of Chiropractic Physicians
33. Rules and Regulations for Limited Medical Registration
34. Rules and Regulations for Radon Control
35. Rules and Regulations for the Certification of Administrators of Assisted Living Residences
36. Rules and Regulations for the Certification of Health Plans
37. Rules and Regulations for the Control of Radiation
38. Rules and Regulations for the Licensing of Freestanding Ambulatory Surgical Centers
39. Rules and Regulations for the Licensing of Freestanding Emergency Care Facilities
40. Rules and Regulations for the Licensing of Nurses and Standards for the Approval of Basic Nursing Education Programs
41. Rules and Regulations for the Licensing of Nursing Service Agencies
42. Rules and Regulations for the Licensing of Organized Ambulatory Care Facilities
43. Rules and Regulations for the Licensing of Podiatrists
44. Rules and Regulations for the Licensing of Radiographers, Nuclear Medicine Technologists, Radiation Therapists and Radiologist Assistants
45. Rules and Regulations for the Licensure and Discipline of Physicians
46. Rules and Regulations for the Licensure of Barbers, Hairdressers/Cosmeticians, Manicurists, Estheticians, and Instructors
47. Rules and Regulations for the Licensure of Clinical Laboratory Science Practitioners
48. Rules and Regulations for the Licensure of Physician Ambulatory Surgery Centers and Podiatry Ambulatory Surgery Centers
49. Rules and Regulations for the Licensure of Physician Assistants
50. Rules and Regulations for the Licensure of Veterinarians
51. Rules and Regulations for the Registration of Body Piercing Technicians and Body Piercing Establishments
52. Rules and Regulations for the Registration of Distributors of Controlled Substances in Rhode Island
53. Rules and Regulations for the Registration of Tanning Facilities
54. Rules and Regulations for the Registration of Tattoo Artists and Tattoo Parlors
55. Rules and Regulations for the Utilization Review of Health Care Services
56. Rules and Regulations Governing Vital Statistics
57. Rules and Regulations Pertaining to Certification of Managers in Food Safety
58. Rules and Regulations Pertaining to Dentists, Dental Hygienists, and Dental Assistants
59. Rules and Regulations Pertaining to Embalmers, Funeral Directors, and Funeral Service Establishments
60. Rules and Regulations Pertaining to Opticians
61. Rules and Regulations Pertaining to Optometrists
62. Rules and Regulations Pertaining to Permits for Screening Programs
63. Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers, and Distributors
64. Rules and Regulations Pertaining to Public Drinking Water
65. Rules and Regulations Pertaining to Rhode Island Certificates of Registration for Nursing Assistants, Medication Aides, and the Approval of Nursing Assistant and Medication Aide Training Programs
66. Rules and Regulations Pertaining to the Certification of Public Drinking Water Supply Treatment and Public Water Supply Transmission and Distribution Operators

## Rhode Island Department Of Health – Public Notice

67. Rules and Regulations Pertaining to the Licensing of Dietitians/Nutritionists
  68. Rules and Regulations Pertaining to the Medical Examiner System
  69. Rules and Regulations Pertaining to the Newborn Metabolic, Endocrine, and Hemoglobinopathy Screening Program and the Newborn Hearing Loss Screening Program
  70. Rules and Regulations Pertaining to the Processing and Distribution of Shellfish
  71. Rules and Regulations Prescribing Minimum Standards for Processing, Storage and Transportation of Fish and Fishery Products
  72. Rules and Regulations Related to the Licensure of Hearing Aid Dealers and Fitters
  73. Rules and Regulations Related to the Medical Marijuana Program
  74. Rules and Regulations Related to the Practice of Electrolysis
  75. Rules and Regulations Relating to Emergency Medical Services
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Notice is hereby given in accordance with the provisions of §42-35-3(a)(2) of the Rhode Island General Laws, as amended, that the Director is affording all interested persons the opportunity to submit data, views, or arguments in writing on this matter. Opportunity for public hearing shall be granted if requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members. *Otherwise, no hearing shall be convened.* Should a hearing be requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members, *a hearing shall be scheduled only for the regulation(s) for which the request for hearing was received.* All regulations for which a public hearing is not requested will be filed with the Rhode Island Secretary of State pursuant to Chapter 42-35 of the Rhode Island General Laws, as amended, shortly after the **10 September 2012** deadline (as below).

Such input or requests for public hearing must be received in writing **no later than Monday, 10 September 2012**. Such input or requests should be addressed to: Michael Fine, M.D., Director, Rhode Island Department of Health, Three Capitol Hill, Room #401, Providence, Rhode Island 02908-5097.

In the development of these amendments, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach, duplication, or overlap was identified based upon available information.

Copies of all regulations are available for public inspection in the Cannon Building, Room #201, Rhode Island Department of Health, Three Capitol Hill, Providence, Rhode Island 02908-5097, on the Secretary of State's website: <http://www.sos.ri.gov/rules/>, by calling 401-222-7767, or by e-mail to [Bill.Dundulis@health.ri.gov](mailto:Bill.Dundulis@health.ri.gov).

Signed this 3<sup>rd</sup> day of August 2012

*Original signed by Michael Fine, MD*

Michael Fine, M.D., Director of Health

# RULES AND REGULATIONS

## GOVERNING VITAL STATISTICS



[R23-3-VS]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

January 1964

***AS AMENDED:***

October 1984

August 1988 (E)

December 1988 (E)

December 1989 (E)

April 1990 (E)

August 1990

January 1995 (E)

May 1995 (E)

August 1995

January 2002 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

January 2007 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

September 2007

January 2012 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

**August 2012 (Proposed)**

**COMPILER'S NOTES:**

**Proposed Additions: Underlined**

**Proposed Deletions: ~~Strikeouts~~**

## **INTRODUCTION**

These amended *Rules and Regulations Governing Vital Statistics [R23-3-VS]* are promulgated pursuant to the authority conferred under section 23-3-3 of the General Laws of Rhode Island, 1956, as amended, and are established for the purpose of adopting an efficient statewide vital statistics system for the protection of the health, welfare and safety of the public.

Pursuant to the provisions of section 42-35-3 (c) of the General Laws of Rhode Island, 1956, as amended, the following issues have been given serious consideration in arriving at the proposed regulations:

- (a) alternative approaches to the regulations; and
- (b) duplication or overlap with other state regulations.

Based on the available information, no known alternative approaches, duplication or overlap was identified.

These amended regulations shall supersede all previous *Rules and Regulations Governing Vital Statistics* promulgated by the Rhode Island Department of Health and filed with the Secretary of State.

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## PART I DEFINITIONS AND DUTIES OF STATE AND LOCAL REGISTRARS

### Section 1.0 Definitions

Wherever used in these rules and regulations, the terms listed below shall be construed in the following manner; and, furthermore, every word importing the masculine gender only, may be construed to extend to and to include females as well as males.

- 1.1 "Act" refers to Chapter 23-3 of the General Laws of Rhode Island, 1956, as amended, entitled "Vital Statistics."
- 1.2 "Amendment" means any change, correction or addition made to a vital record after filing of same; except that any minor correction or addition made to a birth record less than one year after the date of the birth shall not be considered an amendment.
- 1.3 "Certifying physician" refers to a physician who has attended a person during his last illness prior to death; or the physician declaring a person dead; or, if death occurred in a hospital, a registered hospital medical officer duly appointed by the hospital director or administrator.
- 1.4 "Community of resident" means the city or town within the state of Rhode Island of a person's home address at the time of his or her marriage or death or of his or her mother's home address at the time of his or her birth.
- 1.5 "Dead body" means a lifeless human body or parts of such body or bones thereof from the state of which it reasonably may be concluded that death occurred.
- 1.6 "Director" means the director of the Rhode Island Department of Health.
- 1.7 "Division" means the Division of Vital Statistics of the Rhode Island Department of Health.
- 1.8 "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of the voluntary muscles.
- 1.9 "Filing" means the presentation of a certificate, report, or other record provided for in law and in the rules and regulations herein, for registration by the local registrar and/or the state registrar, as specified in the rules and regulations herein. (See "Registration").
- 1.10 "Final disposition" means the burial, interment, cremation, or other disposition of a dead body or fetus.
- 1.11 "Funeral director" means a person licensed to practice pursuant to Chapter 5-33 of the General Laws of Rhode Island, 1956, as amended.
- 1.12 "Institution" means any establishment, public or private, which provides in-patient medical,

surgical, or diagnostic care or treatment; or nursing, custodial, or domiciliary care to two or more unrelated individuals; or to which persons are committed by law.

- 1.13 "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of the voluntary muscles, whether or not the umbilical cord has been cut, or the placenta is attached.
- 1.14 "Local registrar" means a city or town clerk in Rhode Island or any other person designated for that purpose by the governing body of a city or town in Rhode Island pursuant to section 23-3-6 of the Act.
- 1.15 "Physician" means a person authorized or licensed to practice medicine pursuant to Chapters 5-36 and 5-37 of the General Laws of Rhode Island, 1956, as amended.
- 1.16 "Registrant(s)" means the subject(s) of the vital record.
- 1.17 "Registration" means the acceptance by the local registrar and/or the state registrar and the incorporation in their official records of certificates, reports, or other records provided for in law, or in the rules and regulations herein.
  - 1.17.1 "Delayed registration" means the registration of any vital record one year or more after the date of occurrence of the vital event.
  - 1.17.2 "Late registration" means the registration of any vital record twenty or more days after the last day of the month of occurrence, but less than one year following the vital event.
- 1.18 "State registrar" means the state registrar of vital statistics, who is also the chief of the Division of Vital Statistics, appointed by the Director of Health pursuant to section 23-3-4 of the Act.
- 1.19 "System of vital statistics" means the registration, collection, preservation, amendment, and certification of vital statistics records, and activities related thereto, including the tabulation, analysis, and publication of statistical data derived from such records.
- 1.20 "Vital event" means a birth, death, fetal death, marriage, or divorce.

## Section 2.0 Duties of State Registrar of Vital Statistics

- 2.1 Pursuant to the provisions of section 23-3-5 of the Act, the state registrar shall:
  - 2.1.1 Administer and enforce the Act and the rules and regulations herein and issue instructions for the efficient administration of the statewide system of vital statistics.
  - 2.1.2 Direct and supervise the statewide system of vital statistics and the Division of Vital Statistics and be custodian of its records.

- 2.1.3 Direct, supervise and control the activities of local registrars and the activities of town and city clerks related to the operation of the system of vital statistics.
- 2.1.4 Prescribe, with approval of the Director, and distribute such forms as are required by the Act and the rules and regulations herein.
- 2.1.5 Prepare and publish annual reports of vital statistics of this state and such other reports as may be required by the Director.
- 2.1.6 Notify the Office of the Secretary of State and the appropriate local canvassing authority of the receipt of a death certificate reporting the death of a person of voting age, and maintain a list of such deceased persons.
- 2.1.7 Provide a copy of each certificate of birth, death, and marriage to the city or town clerk of the community of residence of the registrant(s) on or before the tenth (10th) day of the month after the certificate is received by the division, except for those certificates filed directly with the state registrar pursuant to section 23-3-10(d) (3) of the Act.
- 2.2 Pursuant to section 23-3-5(b) of the Act, the state registrar, with the approval of the Director, may delegate such functions and duties vested in the state registrar to employees of the division and to local registrars as deemed necessary or expedient.
- 2.3 Upon request, the state registrar shall provide to all funeral directors, attorneys, and other interested persons in this state, information regarding current fees for certified copies of death records and addresses of vital statistics offices in other states. In addition, the state registrar shall provide information on services available in each state to expedite requests for certified copies of death records.
  - 2.3.1 The state registrar, in bona fide emergency situations, will attempt to further expedite issuance of the certified copy of the death certificate by personally contacting the state registrar or other person in charge of the vital statistics office in the other state.
  - 2.3.2 Costs for electronic funds transfers and/or overnight delivery services shall be borne by the original applicant in need of the expedited return of the certified copy of death.

### Section 3.0 Duties of Local Registrars

- 3.1 Pursuant to the provisions of section 23-3-7 of the Act, the local registrar with respect to his city or town shall:
  - 3.1.1 Administer and enforce the provisions of the Act, the rules and regulations herein, and instructions issued hereunder.
  - 3.1.2 Require that certificates be completed and filed in accordance with provisions of the Act and the rules and regulations herein.
  - 3.1.3 Transmit in accordance with Section 8.0, 18.4, or such other sections, the certificates,

reports, or other returns filed with him for the preceding month to the state registrar or more frequently when directed to do so by the state registrar.

3.1.4 Maintain such records, make such reports, and perform such other duties as may be required by the state registrar.

3.1.5 Transmit on or before the tenth (10th) day of each month a list of the deaths filed with him for the preceding month to his respective local board of canvassers.

## PART II GENERAL REQUIREMENTS FOR THE FILING AND REGISTRATION OF VITAL RECORDS

### Section 4.0 Authorized Forms

4.1 In order to promote and maintain uniformity in the system of vital statistics, the forms of certificates, records, and other reports required by the Act or the rules and regulations herein shall include, as a minimum, the items recommended by the federal agency responsible for national vital statistics, subject to the approval of and modification by the Director.

4.2 No forms other than those supplied by the state registrar shall be used for vital statistics, and all such forms, records, and reports are the property of the state of Rhode Island and shall be surrendered to the state registrar or his representative upon demand.

4.3 The state registrar shall prepare and issue such instructions concerning the use of forms and supplies as may be required to secure the uniform observance of the Act and the maintenance of an adequate system for the collection, registration and preservation of vital statistics throughout the state.

### Section 5.0 Duties to Report Information Required for Vital Records

5.1 Pursuant to section 23-3-27 of the Act, any person having knowledge of the facts regarding any birth, death, fetal death, marriage or divorce, shall report such information as he may possess upon demand of the state registrar and in accordance with the rules and regulations herein.

### Section 6.0 Acceptance of Certificates

6.1 The state registrar and each local registrar to whom certificates are presented for registration shall examine the certificates to determine that they have been completed on authorized forms and in accordance with the Act, the rules and regulations herein, and instructions of the state registrar.

6.2 The state and local registrar shall only accept a certificate or such other forms for registration if:

a) It is completed preferably by typewriter with black ribbon, or by hand, in legible printing with black ink;

b) It contains the printed or typed name and the original signature of the certifier on a birth, death, or fetal death record, or of the officiant and witnesses on a marriage record.

- c) The cause of death is printed or typed on the death record;
- d) It is the original certificate on the authorized form;
- e) It contains proper and consistent data;
- f) It contains no corrections made with correction fluid or correction tape;
- g) It includes all the information requested on the form or satisfactorily accounts for any omission; and
- h) It is satisfactorily completed in accordance with the Act and the rules and regulations herein.

6.3 When any certificate, presented to the state or local registrar for registration, is deemed to be unacceptable for any of the reasons stated in section 6.2 above, it shall be the duty of the registrar to notify the person responsible for filing or completing the certificate. The registrar may require the responsible person either to supply complete and correct information to be entered on the certificate or to complete and file a new certificate which shall not be marked "copy" or "duplicate".

#### Section 7.0 Registration Procedure

7.1 When the state or local registrar with whom a certificate or other form is filed for registration determines that the certificate or other form is acceptable for registration, he shall register the certificate or such other form by entering on its face the date of registration and his signature.

7.1.1 The state registrar and each local registrar shall number vital records consecutively. Such numbering is to be carried out separately for each category of vital event, beginning with the number 1 on the first certificate of each vital event, registered for each calendar year.

7.1.2 Each local registrar shall retain copies of all certificates registered as required above. Such copies shall be maintained in numerical or alphabetical order for each vital event and shall be preserved as permanent local vital records in a safe storage area.

#### Section 8.0 Transmittal Procedure

8.1 Each local registrar shall, on or before the twenty-fourth (24th) day of each month, transmit to the state registrar all original certificates filed within his jurisdiction for vital events which have occurred during or prior to the first fifteen (15) days of that month.

8.2 On or before the ninth (9th) day of each month, each local registrar shall transmit to the state registrar all original certificates filed within his jurisdiction for vital events which have occurred during or prior to the sixteenth (16th) through the last day of the prior month.

8.3 Transmittal forms provided by the state registrar shall be completed and signed by the local

registrar and shall accompany each transmittal.

- 8.4 If no certificate of birth, death, fetal death, or marriage was filed in any month, the local registrar shall, on or before the ninth (9th) day of the following month, transmit such report to the state registrar on forms provided for that purpose by the state registrar.

Section 9.0 Void Certificates

- 9.1 When the state registrar shall determine that any vital record was registered improperly, such as through fraud, misrepresentation or duplication, he shall give written notice to the registrant or informant of his intention to void said certificate. This notice shall give such person an opportunity to appear and show cause why the certificate should not be voided. The notice shall be served on such person by certified mail, return receipt requested, to his or her last known address on file in the division. Unless such person shall demonstrate to the state registrar within thirty (30) days after the date of mailing that there is satisfactory cause that the certificate should not be voided, the state registrar shall void the certificate and it shall not be available for certification. Neither the state nor local registrar shall issue copies until the matter is resolved.

PART III      REQUIREMENTS FOR BIRTH AND FOUNDLING REGISTRATION, ADOPTION, LEGITIMATION, AND PATERNITY

Section 10.0 Birth Registration

10.1      A certificate of birth for each live birth which occurs in this state shall be filed with the local registrar of the city or town in which the birth occurs within four (4) days after such birth and shall be registered by the local registrar if it has been completed and filed in accordance with the Act and the rules and regulations herein, except as provided under section 10.1.1 herein; and provided further that, when a birth occurs on a moving conveyance, a birth certificate shall be filed in the city or town in which the child was first removed from the conveyance.

10.1.1    In the case of a child born out of wedlock, the certificate shall be filed directly with the state registrar, pursuant to section 23-3-10(d)(3) of the Act. However, subsequent to six (6) months after birth and prior to the child reaching the age of majority, the parent(s) may have a copy of the child's birth record filed at the local city or town clerk's office where the mother resided at the time of birth by making application on a form provided by the state registrar and paying the fee as provided for in section 23-3-25 of the Act. The parent(s), prior to the child reaching the age of majority, may also remove the birth record from the local office by filing an application with the state registrar and paying the fee as provided for in section 23-3-25 of the Act. If, at the time application for transfer is made, the paternity of the child is determined, then both parents must sign the application, otherwise only the mother's signature is necessary. Upon the child reaching the age of majority, the child may have a copy of his/her birth record filed at the local office of the city or town clerk where the mother resided at the time of birth by making application as above.

10.2      When a birth occurs in an institution, the person in charge of the institution or his designee shall obtain the personal data, prepare the certificate, secure the signatures required on the certificate, and file it with the local or state registrar. The physician in attendance shall certify the facts of birth and provide medical information required on the certificate within three (3) days after the birth.

10.2.1    Each director or administrator of an institution shall on or before the tenth (10th) day of each month file a report with the state registrar, listing births occurring in the institution during the previous month.

10.3      When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

- a)      The physician in attendance at or immediately after the birth; or
- b)      In the absence of the person identified in (a), above, any other person in attendance at or immediately after the birth; or
- c)      In the absence of a person identified in (b), above, the father, the mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises

where the birth occurred.

10.4 The name of the father and the surname of the child to be recorded on the birth certificate shall be determined as follows:

10.4.1 If the mother was married either at the time of conception or birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered.

10.4.2 If the mother was not married, either at the time of conception or birth, the name of the father shall be entered on the certificate only if paternity has been established by affidavit of both parents or by determination of a court of competent jurisdiction.

10.4.3 If the mother was not married either at the time of conception or birth and paternity has not been established by affidavit of both parents or by determination of a court of competent jurisdiction, the name of the father shall not be entered on the certificate and the child shall bear the mother's surname.

#### Section 11.0 Foundling Registration (Infants of Unknown Parentage)

11.1 Whoever assumes the custody of a living infant of unknown parentage shall file a report within four (4) days with the local registrar of the city or town in which the child was found.

11.1.1 The report shall be made on a certificate of live birth that shall be plainly marked "Foundling Registration" in the top margin and shall include the following information:

- a) The name given to the child by the custodian;
- b) The place where the child was found, which shall be entered as the place of birth;
- c) The date of birth, which shall be determined by approximation;
- d) The sex of the child; and
- e) Other data as required by the state registrar.

11.1.2 Parentage data shall be left blank.

11.1.3 The custodian of the child shall sign the certificate in the space indicated for the certifier.

11.1.4 The name and address of the person(s) or institution with whom said child has been placed for care, the date of the finding of said child, the approximate age of the child, and the race of the child, if determined by the custodian, shall be listed on the reverse side of the certificate.

11.2 Such reports shall be transmitted by local registrars to the state registrar in accordance with the

schedule prescribed herein for regular certificates of birth.

- 11.3 If the child is identified and a certificate of birth is found or obtained, any report registered under this section shall be sealed and filed and may be opened only by order of a court of competent jurisdiction.

Section 12.0 New Certificates of Birth Following Adoption, Legitimation, and Paternity Determinations or Acknowledgements

- 12.1 Pursuant to section 23-3-15 of the Act, the state registrar shall establish a new certificate of birth for a person born in this state when the state registrar receives one of the following:

- a) An adoption report as provided in section 23-3-14 of the Act or a certified copy of a decree of adoption from a court of competent jurisdiction in another state or country, together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth shall not be established if the court decreeing the adoption, the adoptive parents, or the adopted person requests that such new certificate shall not be established; or
- b) A request that a new certificate be established and evidence of legitimation as required in section 12.2 herein; or
- c) A request that a new certificate be established and a certified copy of an order from a court of competent jurisdiction determining the paternity of such a person; or
- d) A request that a new certificate be established and a sworn acknowledgment of paternity made by both parents of a registrant born out of wedlock, as required in section 12.2 herein.

- 12.2 Absent a court determination of paternity, the following evidence shall be required for legitimation or paternity acknowledgment of a person born in this state:

- a) A sworn acknowledgment by the mother that she was free to marry both at the time of conception and at the time of the birth of the registrant; and
- b) A sworn acknowledgment of paternity made by the mother listed on the registrant's original certificate of birth and by the man to be named as father, certifying that they are the natural parents of the registrant; and
- c) In addition, for a legitimation, a certified copy of a certificate of marriage showing that the aforementioned natural parents of the registrant have been married in accordance with the statutes of this state or of another state or country, or a court order recognizing such marriage.

- 12.3 Absent a court determination of paternity, the state registrar shall not establish a new certificate of birth when application to do so is made by the mother and a putative father if the name of a man other than the putative father is listed as the father on the original certificate of birth or if the

mother was not free to marry both at the time of conception and at the time of birth of the registrant.

12.4 New certificates of birth subsequent to adoption, legitimation, or paternity shall be established in conformance with the following procedures:

12.4.1 Information required to locate the existing certificate and to complete the new certificate shall be provided on such forms as the state registrar may require.

12.4.2 The new certificate of birth shall be the certificate in use at the time the birth occurred. If such certificate is not available, the certificate in current use shall be used.

12.4.3 The parents of a child who has been legitimated may choose a new given name and/or surname for the child; such name(s) shall be entered as the name(s) of the registrant on the new certificate of birth.

12.4.4 Pursuant to section 23-3-21(d) of the Act, following a sworn acknowledgement of paternity where the parents have not married each other after the birth of the registrant, neither the given name nor the surname of the registrant shall be changed unless an order by a court of competent jurisdiction or a legal change of name is presented to the state registrar.

12.4.5 The new certificate of birth shall include the following items and such other information as required to complete the certificate:

- a) The actual place and date of birth as transcribed from the original certificate;
- b) The names and personal information of the adoptive parents or of the natural parents, as appropriate;
- c) The printed or typed name of the person in attendance at birth;
- d) The state file number and local file number, if any, assigned to the original birth certificate; and
- e) The original filing date.

12.4.6 If no certificate of birth is on file for the person for whom a new certificate is to be established, a delayed certificate of birth shall be filed with the state registrar, as provided in sections 23-3-12 or 23-3-13 of the Act and in the rules and regulations herein, before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings in accordance with section 23-3-15 of the Act, a delayed certificate shall not be required.

12.5 A new certificate of birth established following adoption, legitimation, or paternity shall be substituted for the original certificate, as follows:

- 12.5.1 The original certificate and the evidence of adoption, legitimation, or paternity shall be placed in a sealed file and shall not be subject to inspection except upon order of a court of competent jurisdiction.
- 12.5.2 All copies of the original certificate in the custody of local registrars in this state shall be forwarded to the state registrar provided that, where such copies are in the form of entries in permanent ledgers wherein removal of a single record is impossible or not feasible, the entries on such records shall be eradicated with indelible ink.
- 12.6 Upon receipt of a court order nullifying an adoption, legitimation, or paternity, the state registrar shall:
- a) Remove the certificate created by the adoption, legitimation, or paternity from the division's files and place it and the court order in a sealed file. Such records shall not be subject to inspection except upon order of a court of competent jurisdiction;
  - b) Restore the original certificate of birth to the division's files;
  - c) Notify local registrars of the annulment;
  - d) Take possession of and void local copies of the new certificate which was created following adoption, legitimation, or paternity; except that where such local copy was entered in a permanent ledger wherein removal of a single record is impossible or not feasible, the local registrar shall eradicate the local copy with indelible ink; and
  - e) Forward a copy of the original certificate to the local registrar to be used as the local copy thereafter.

## PART IV REQUIREMENTS FOR DEATH REGISTRATION

### Section 13.0 Death Registration

- 13.1 A death certificate for each death which occurs in this state shall be filed within seven (7) calendar days after such death and prior to removal of a dead body from the state.
- 13.2 Death certificates shall be filed with the local registrar of the city or town:
- a) In which death occurred; or
  - b) In which a dead body is found, if the place of death is unknown; or
  - c) In which a dead body was first removed from a moving conveyance, if death occurs in such conveyance.

### Section 14.0 Responsibility of Funeral Director

- 14.1 The funeral director, his duly authorized agent or person acting as such, who first assumes custody of a dead body shall file the certificate of death after he has completed the certificate:
- a) By entering the personal data obtained from the next of kin or best qualified person or source available;
  - b) By obtaining medical certification of cause of death from the person responsible therefor (the physician who attended the deceased person during his last illness; or the physician declaring such person dead; or, if the death occurred in a hospital, a registered hospital medical officer duly appointed by the hospital director or administrator; or the medical examiner, pursuant to section 23-3-16(d) of the Act); and
  - c) By obtaining medical certification on the burial-transit permit in accordance with section 22.0 herein.
- 14.2 A funeral director or other person who removes a dead body or fetus from the place of death or transports or finally disposes of a dead body or fetus shall keep a record containing information which shall identify the body, the date and place of death, and the name of the individual who released the dead body or fetus, pursuant to section 23-3-26(c) of the Act.
- 14.3 When a dead body or fetus is to be disinterred, the funeral director, his duly authorized agent or person acting as such, shall obtain a disinterment permit from the local registrar at the place of disinterment, in accordance with section 23.0 herein.
- 14.4 Each funeral director shall, on or before the tenth (10th) day of each month, file a report with the state registrar listing funerals performed and/or decedents serviced following deaths or fetal deaths during the previous month. Such reports shall be made on forms approved by the state registrar. Failure to file these reports within the prescribed time shall be grounds for disciplinary action, including revocation of license by the state board of examiners in embalming and funeral

directors.

### Section 15.0 Responsibility of Physician

15.1 Immediately following a person's death, the attending physician or the physician declaring a person dead, or if the death occurs in a hospital, a registered hospital medical officer duly appointed by the hospital director or administrator shall complete the physician's portion of the burial-transit permit, provided that the death does not fall under the jurisdiction of the medical examiner in accordance with section 15.1.1 below, so that the burial-transit permit can be released with the dead body. Within forty-eight (48) hours of a person's death, the physician shall also give the funeral director a certificate of death on which only the following information has been completed:

- a) The name of the deceased which shall be entered in the margin;
- b) The date of death;
- c) A properly completed medical certification of death, with cause of death printed or typed in black ink;
- d) The certifier's signature and printed or typed name; and
- e) Such other information as may be required in the medical certification section of the death certificate.

A staff member of an institution assisting the physician in completing the medical certification section of a death certificate shall complete only the medical certification section as designated by the physician.

15.1.1 The certifying physician shall not complete or sign the medical certification or burial-transit permit but shall refer the case to the medical examiner, where the decedent may appear to have met death in any manner as specified in the statutory and regulatory provisions of references 1 and 2 herein.

### Section 16.0 Responsibility of Medical Examiner

16.1 In all cases where the medical examiner has assumed medico-legal jurisdiction in accordance with the statutory and regulatory provisions of references 1 and 2 herein, the medical examiner shall execute and sign the medical certification and burial-transit permit in accordance with sections 18.0, 21.0, and 22.0 and within forty-eight (48) hours after taking charge of the case.

16.1.1 Furthermore, when death occurred without medical attendance as set forth in section 23-3-16(c) of the Act, the medical examiner shall investigate the cause of death and shall complete and sign the medical certification and burial-transit permit within forty-eight (48) hours after taking charge of the case pursuant to section 23-3-16(d) of the Act.

### Section 17.0 Responsibility of Institution

17.1 Each director or administrator of an institution shall on or before the tenth (10th) day of each

month file a report with the state registrar, listing deaths and fetal deaths occurring in the institution during the previous month.

- 17.2 When a dead human body is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the deceased, date of death, name and address of the person to whom the body is released, date of removal from the institution, or, if finally disposed of by the institution, the date, place and manner of disposition shall be recorded, pursuant to section 23-3-26(b) of the Act.

#### Section 18.0 Medical Certification of Cause of Death

- 18.1 Completed and properly executed medical certification of cause of death shall mean the printed or typed entry of a definite medical diagnosis of cause of death by a physician or medical examiner. This may be:
- a) Entry of the clinical findings of the physician who attended the deceased for the illness or condition that resulted in death; or
  - b) Entry of tentative clinical findings that may or may not be supported by the gross findings of an autopsy; or
  - c) Entry of autopsy findings where necessary to establish a definite medical diagnosis of cause of death.
- 18.2 In any case where an autopsy is to be performed, it shall not be necessary to defer the entry of the cause of death until a full report is available or until microscopic or toxicological studies are completed.
- 18.3 In any case where the autopsy findings significantly change the cause of death already entered on the death certificate, a supplemental report of the cause of death shall be forwarded to the state registrar by the certifying physician, attending physician, or medical examiner as soon as the findings are available. The report shall be made on a form supplied by the state registrar and shall be signed by the certifying physician, attending physician or medical examiner. Upon receipt of this form, the state registrar shall enter the new information on the death certificate in accordance with sections 35.0 and 36.0 herein.
- 18.4 Whenever a local registrar receives a death certificate which has been certified by a certifying physician or medical examiner and which states that the cause of death is "pending", such certificate shall be registered upon receipt and immediately sent to the state registrar. Immediately upon determining the cause of death, the medical examiner or certifying physician shall forward the cause of death to the state registrar on forms furnished for that purpose.

PART V      REQUIREMENTS FOR FETAL DEATH REGISTRATION

Section 19.0 Fetal Death Registration

- 19.1 Fetal deaths of less than twenty (20) weeks gestation shall be reported directly to the state registrar within seven (7) calendar days after delivery.
- 19.2 A fetal death certificate for each fetal death which occurs in this state after a gestation period of twenty (20) or more weeks shall be filed with the local registrar of the city or town where the delivery took place. The certificate shall be filed within seven (7) calendar days after delivery and prior to removal of the fetus from the state. The local registrar shall accept the certificate for registration if it has been completed and filed in accordance with the requirements of the Act and the rules and regulations herein, provided that:
- a) When the place where the fetal death occurred is unknown, a fetal death certificate shall be filed within seven (7) days after the finding in the city or town where the fetus was found; or
  - b) If the fetal death occurred in a moving conveyance, a fetal death certificate shall be filed within seven (7) days in the city or town where the fetus was first removed from the conveyance.

Section 20.0 Responsibility for Filing

- 20.1 Responsibility for filing of the fetal death certificate shall reside with one of the following:
- a) The funeral director, his duly authorized agent or person acting as such, who first assumes custody of a fetus for the purpose of final disposition or removal from the state; or
  - b) The person in charge of the institution where the fetal death occurred, when the institution disposes of the fetus; or
  - c) The physician or other person in attendance at or after the delivery, when the fetal death does not occur in a hospital or other institution and no funeral director assumes custody of the fetus.
- 20.2 Prior to filing the fetal death certificate, the person responsible for its filing shall obtain the personal information required on the certificate from the best source available and the medical certification, including cause of death, from the person responsible therefor.

Section 21.0 Responsibility for Medical Certification

- 21.1 The medical certification shall be completed and signed within forty-eight (48) hours after delivery by the physician in attendance at or after the delivery, in accordance with section 18.0 herein, unless inquiry by the medical examiner is required by law.

21.2 When a fetal death occurs without medical attendance upon the mother at or after the delivery or when inquiry is required pursuant to the statutory and regulatory provisions of references 1 and 2 herein, the medical examiner shall investigate the cause of fetal death and shall complete and sign the medical certification within forty-eight (48) hours after taking charge of the case in accordance with section 23-3-17(e) of the Act and section 18.0 herein.

PART VI REQUIREMENTS FOR BURIAL-TRANSIT, DISINTERMENT AND REINTERMENT PERMITS, AND CREMATION CERTIFICATES

Section 22.0 Permits for Burial-Transit

- 22.1 A burial-transit permit must be completed before a dead body can be cremated, buried, or removed from the state. The permit shall be made available for removal with the dead body except when:
- a) The funeral director, his duly authorized agent or person acting as such, has been told by the certifying physician that the death is not under the jurisdiction of the medical examiner, and that such certifying physician will complete the burial-transit permit and medical certification as required by the rules and regulations herein, prior to final disposition or removal of the dead body from this state; or
  - b) The death is under the jurisdiction of the medical examiner who has authorized the funeral director to remove the dead body.
- 22.2 The funeral director, his duly authorized agent or person acting as such, who first assumes the custody of a dead body shall prepare the burial-transit permit; such burial-transit permit shall be signed by the funeral director and by the certifying physician or medical examiner in accordance with section 15.0 and 16.0 herein.
- 22.3 A burial-transit permit issued under the law of another state which accompanies a dead body brought into this state shall be authority for final disposition of the dead body in this state.
- 22.4 The burial-transit permit shall accompany the dead body during transportation except for first removals within this state, as specified in Section 22.1 herein.
- 22.5 Burial-transit permits shall be presented to and shall be signed by the sexton or person in charge of the cemetery, crematory, or other place of final disposition of a dead body prior to disposal of the dead body.
- 22.6 On or before the fifth (5th) day of each month, the sexton or other person in charge of the place of final disposition of a dead body shall transmit all burial-transit permits received during the prior month to the local registrar of the city or town in which the place of final disposition is located.
- 22.7 Local registrars shall retain burial-transit permits for not less than five (5) years.

Section 23.0 Permits for Disinterment and Reinterment

- 23.1 A permit for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus unless otherwise ordered by a court of competent jurisdiction. However, if the dead body or fetus is to be disinterred and reinterred in the same cemetery, no permit shall be required provided that the sexton or other person in charge of the cemetery shall establish a record relative to the facts of disinterment and reinterment within the cemetery.

- 23.2 The permit shall be issued in quadruplicate to the funeral director by the local registrar of the city or town in which the place of disinterment is located, upon proper application on a form provided by the state registrar.
- 23.3 The funeral director shall retain one copy, shall file the second copy with the sexton or person in charge of the cemetery from which disinterment is to be made, shall use the third copy during transportation and give it to the sexton or person in charge of the cemetery of reinterment, and shall forward the fourth copy to the state registrar.
- 23.4 The sexton or other person in charge of the cemetery of disinterment shall establish a record of the facts of disinterment and reinterment and shall, prior to the fifth (5th) day of the following month, send the second copy to the local registrar of the city or town in which the cemetery of disinterment is located.
- 23.5 The sexton or other person in charge of the cemetery of reinterment shall establish a record of the facts of disinterment and reinterment and shall, prior to the fifth (5th) day of the following month, send the third copy to the local registrar of the city or town in which the cemetery of reinterment is located.
- 23.6 The division shall enter on the face of the death certificate the date of reinterment and the location of the cemetery of reinterment.

#### Section 24.0 Final Disposition by Medical School

- 24.1 Following the final disposition of the remains of a dead body which has been conveyed to a medical school to be used for anatomical study or other medical purposes, said school shall notify the state registrar in writing, prior to the fifth (5th) day of the following month, of the date, manner, and place of final disposition.
- 24.2 The state registrar shall enter on the face of the death certificate the date, manner, and place of final disposition.

#### Section 25.0 Cremation Certificates

- 25.1 The body of a deceased person shall not be cremated in or removed from this state for the purpose of cremation without a cremation certificate having been obtained from the Office of State Medical Examiners in accordance with reference I herein, and section 23-3-18(e) of the Act.
- 25.2 A deceased person shall not be cremated within twenty-four (24) hours after death unless death resulted from a contagious or infectious disease.
- 25.3 If the death occurred within this state, the dead body shall not be received or cremated by any corporation authorized to cremate a dead body until its officers have received the burial-transit permit required by law before burial and a cremation certificate from the medical examiner certifying that the medical examiner has made a personal inquiry into the cause and manner of death and is of the opinion that no further examination or judicial inquiry concerning the same is necessary.

- 25.4 If the death occurred without the state, the reception and cremation of the body of the deceased person shall be governed by the receipt of the burial-transit permit or other appropriate certificate as the cremation certificate from the medical examiner of the state of Rhode Island.
- 25.5 The funeral director shall mail the cremation certificate to the state registrar for filing.

PART VII REQUIREMENTS FOR ISSUANCE, COMPLETION AND FILING OF MARRIAGE LICENSE - MARRIAGE SOLEMNIZATION - DIVORCE REGISTRATION

Section 26.0 Issuance of Marriage License

- 26.1 Persons intending to be married in this state must first obtain a marriage license from:
- a) The local registrar in the city or town in this state in which the female party to the proposed marriage resides; or
  - b) The local registrar in the city or town in this state in which the male party resides, if the female is a non-resident of this state; or
  - c) The local registrar in the city or town in this state in which the proposed marriage is to be performed, if both parties are non-residents of Rhode Island.
- 26.2 In situation (a) or (b) above, the marriage may be performed in any city or town in Rhode Island. In situation (c), the marriage shall be performed only in the city or town where the marriage license was issued.
- 26.3 Applicants for a marriage license shall provide all the information requested to complete the marriage license, and shall attest to the truth of the information by signing the license in the presence of the local registrar or his assistant. Furthermore, applicants must submit the following supporting documentation:
- a) A valid form of identification providing date of birth for each applicant, preferably a certified copy of a birth certificate;
  - b) Pursuant to section 15-2-11 of reference 3, a minor's permit signed in the presence of the local registrar, or his designee, by the parent(s) or guardian(s), if the bride is a minor of at least sixteen (16) years of age but less than eighteen (18) years of age;
  - c) Pursuant to section 15-2-11 of reference 3, a written order from the Family Court to issue the license if the bride is less than sixteen (16) years of age and/or the groom is less than eighteen (18) years of age; and
  - d) A certified copy of a final divorce decree, or of a death certificate, if the applicant has been previously married.
- 26.4 The license shall be valid for three (3) months after the date of issuance. If the marriage is not performed within the three (3) months, the license becomes invalid and the party or parties in possession of the license shall return it immediately to the local registrar from whom it was obtained.

Section 27.0 Marriage Solemnization

- 27.1 The persons to be married shall present the valid marriage license, signed by both of them and by the local registrar of the place of issuance, to the officiant, who shall be a person empowered to join persons in marriage pursuant to the provisions of sections 15-3-5 and 15-3-6 of reference 4 herein.
- 27.2 The presence of at least two (2) witnesses of legal age other than the officiant is required for the solemnization of a marriage.

#### Section 28.0 Completion and Filing of Marriage License

- 28.1 After a marriage has been performed, the officiant shall provide for the completion of the following items on the marriage license:
- a) The signatures of the two (2) witnesses, with names printed or typed;
  - b) The date of the marriage;
  - c) The city or town where the marriage was performed;
  - d) The type of ceremony;
  - e) The title, the name of the court, or the denomination of the officiant, as appropriate;
  - f) The address of the officiant; and
  - g) The signature of the officiant, with his name printed or typed, attesting to the facts of the marriage.

All items must be completed legibly by typewriter or in black ink; all signatures must also be in black ink.

- 28.2 The completed and signed marriage license shall be filed by the officiant, within seventy-two (72) hours of the ceremony, with the local registrar of the city or town in which the marriage was performed and shall be considered the marriage certificate for vital statistics purposes.

#### Section 29.0 Divorce Registration

- 29.1 For each divorce granted by any court in this state, a report shall be prepared and filed by the clerk of such court with the state registrar. The report shall be furnished, with the final decree, to the clerk of the court by the prevailing party, or his or her legal representative.

PART VIII REQUIREMENTS FOR DELAYED AND LATE REGISTRATION OF CERTIFICATES

Section 30.0 Delayed Registration of Certificates

- 30.1 All delayed certificates shall be filed directly with the state registrar on forms authorized for each vital event and shall be clearly marked "delayed".
- 30.2 Certificates shall be accepted for delayed registration only if:
- a) A search by the division reveals that no certificate for the event has been previously registered;
  - b) The evidence as required in section 30.3 herein, has been submitted and found satisfactory to the state registrar;
  - c) Payment of the required statutory fee is made;
  - d) The certificate has been completed as required; and
  - e) The appropriate provisions of section 30.4 herein have been met.
- 30.3 Documentary evidence submitted in order to establish the date and place of the vital event and the name(s) of the registrant(s) shall be original records or certified copies thereof and shall include as a minimum:
- a) Two (2) evidentiary documents, if the certificate is filed within seven (7) years of the occurrence of the vital event, one (1) of which must have been established within three (3) years of the date of the vital event.
  - b) Three (3) evidentiary documents if the record is filed seven (7) years or more after the occurrence of the vital event. Such documents shall be at least five (5) years old and at least one document must have been established within seven (7) years of the date of the vital event.
  - c) In either case, the evidence may consist of only one (1) affidavit from a person with knowledge of the vital event; this affidavit need not conform with the time limitations specified above.
  - d) In order to establish additional information to be completed on the delayed certificate, at least one (1) piece of documentary evidence, other than an affidavit from a person with knowledge of the vital event must be submitted.
- 30.4 A delayed certificate of a vital event may be filed with the state registrar by the person who was responsible for filing the certificate within the prescribed statutory and regulatory time requirements, with a statement indicating that the information was taken from his records; or

30.4.1 For delayed birth certificates:

- a) The registrant, if of legal age; or
- b) The parent or guardian.

30.4.2 For delayed death certificates:

- a) The certifying physician; or
- b) The medical examiner when the case was under his jurisdiction; or
- c) The next of kin of the decedent; or
- d) The legal representative of the next of kin or of the estate of the decedent.

30.4.3 For delayed marriage certificates:

- a) Either married party; or
- b) A legal representative of either married party in the event one of the parties is deceased or physically incapacitated.

30.5 The state registrar may require an explanation for the delayed filing from the person who requests the filing. Such explanation shall be made a part of the delayed certificate.

30.6 If the state registrar determines after a review of evidentiary documentation that such evidence is unsatisfactory, the applicant shall be so notified.

Section 31.0 Delayed Registration of Birth Certificates

31.1 The following facts, as a minimum, must be established to register a delayed birth certificate:

- a) The full name of the person at the time of birth, except that a name established by adoption, legitimation, court determination of paternity, other court order, or sworn acknowledgment of paternity may be reflected on the delayed registration;
- b) The date and place of birth; and
- c) The name(s) of the parent(s), except that inclusion of the father's name shall be subject to section 10.4 herein.

Section 32.0 Medical Certification on Delayed Death Certificates

32.1 If the medical certification of the cause of death is indicated on the delayed death certificate, it must be established by one of the following:

- a) The certifying physician; or
- b) The medical examiner; or
- c) A physician who has reviewed the medical records of the decedent.

Section 33.0 Delayed Registration of Marriage Certificates

33.1 As a minimum, evidence must be submitted that the registrants complied with the statutory requirements of reference 3 herein, for obtaining a marriage license.

Section 34.0 Late Registration of Certificates

34.1 A late registration of a certificate shall be completed on the authorized form in use at the time of vital event.

34.2 Satisfactory documentation, substantiating the name of the person and the date and place of the occurrence of the vital event may be submitted to the state or local registrar in order to register a "late" certificate of a vital event.

34.3 The state or local registrar may require an explanation for the failure to file the certificate within the time prescribed by the Act and the rules and regulations herein. He may also require that documentary evidence prescribed for delayed registration, in accordance with section 30.3 herein, be submitted for the late registration. Such explanation or evidence shall be made a part of the registration of the "late" certificate.

34.4 No certificate shall be accepted for "late" registration unless the evidentiary documentation is found satisfactory to the state or local registrar or unless so ordered by a court of competent jurisdiction. When a certificate is not accepted, the applicant shall be so notified.

## PART IX AMENDMENTS TO VITAL RECORDS

### Section 35.0 Requirements to Amend Vital Records

- 35.1 A vital record may be amended only by the state registrar, in accordance with section 23-3-21 of the Act and the rules and regulations herein.
- 35.2 In order to preserve the integrity and accuracy of vital records, the state registrar may initiate amendments to vital records. In such cases, the state registrar may waive the requirements of section 35.5.
- 35.3 The following person(s) may apply to the state registrar for an amendment to a vital record:
- a) The person(s) originally responsible for filing the certificate; or
  - b) The person(s) required to provide or complete the information thereon; or
  - c) The registrant, his parent(s), guardian, next of kin, or legal representative.
- 35.4 The person who applies for an amendment to a vital record must submit satisfactory evidentiary documentation to support the change(s), as required by section 35.5 herein. If the state registrar deems the evidence is unsatisfactory, he shall notify the applicant that the registrar shall not amend the record unless so ordered by a court of competent jurisdiction.
- 35.5 Evidentiary documentation to support an amendment to a vital record shall consist of the following:
- a) An affidavit executed by the registrant(s) or his relative, or a person with knowledge of the correct information; and
  - b) At least one (1) original document supporting the amendment, or a certified copy thereof, signed by the custodian of the original document, provided that such document must have been established within seven (7) years of the fact or event that it substantiates.
  - c) For corrections of errors relating to race on a vital record, certified copies of the birth records of either the registrant(s), or his parent(s), identifying race or color; or documents of similar validity;
  - d) For corrections of errors in the given name of a registrant on a birth record, an affidavit executed only by the registrant, if of legal age, his parent(s) or his legal guardian(s), or his legal representative; and one (1) evidentiary document, except as provided in sections 35.7 and 37.0 herein.
- 35.6 Except for the medical certification section on a death record, once an item has been amended on a vital record in accordance with the evidentiary requirements of section 35.5 herein, such item shall not be amended again unless the state registrar is ordered to do so by a court of competent jurisdiction.

35.7 After thirty (30) days from registration in the division, changes to the given name of the registrant on a birth certificate which reflect a new given name, rather than a minor correction in spelling, a variant form of the name, or a clerical error, shall be made only upon submission of an order to do so from a court of competent jurisdiction.

#### Section 36.0 Procedure to Amend Vital Records

36.1 An amendment to a vital record shall be completed by one of the following methods:

- a) Completing a blank item with the correct information and denoting the amendment with an asterisk; or
- b) Drawing a single line through the incorrect information, typing the correct information directly above or next to it, and denoting the amendment with an asterisk; or
- c) Preparing a new certificate with the corrected information, when corrected in accordance with section 12.0 herein.

36.2 A vital record which has been amended shall be marked "Amended" and the date of the amendment shall be entered on the vital record, except as provided in sections 12.0 and 37.0 herein.

36.3 Except as provided in section 12.0 herein, when the name of the registrant on a birth certificate is changed by court order, pursuant to sections 23-3-21(a) and (c) of the Act, the birth certificate shall be marked "Amended" and the effective date of the order and the name of the court shall be entered on the birth certificate.

36.4 When the state registrar amends a vital record, a record of all evidentiary documentation supporting the amendment shall be preserved in a permanent cross-reference file in the division. The state registrar shall report all amendments to the local registrar(s) who have the records on file by transmitting a photocopy or other notification of the amendment, in order that the local registrar shall amend his copy of the vital record to agree with the original vital record on file at the division.

#### Section 37.0 Additions or Minor Corrections to Birth Certificates Within One Year of the Date of Birth.

37.1 Pursuant to section 23-3-21(b) of the Act, additions or minor corrections of the types indicated below made to birth certificates within one (1) year of the date of birth shall not be marked "Amended":

- a) The addition of the given name of the registrant, when the given name is blank;
- b) Corrections to the given name of the registrant on a birth certificate which reflect a minor correction in spelling, a variant form of the name, or clerical error;

- c) Corrections of typographical or transcription errors, or clearly inconsistent information; and
  - d) Corrections or additions to items in the "Information for Medical and Health Use Only" section, except that race and marital status shall be corrected only in accordance with sections 35.0 and 36.0 herein.
- 37.2 The state registrar may require evidentiary documentation and/or an affidavit executed by the parent(s) listed on the birth certificate or the legal guardian of the registrant prior to additions or minor corrections to birth certificates within one (1) year of the date of birth.

PART X DISCLOSURE, REPRODUCTION, AND CERTIFIED COPIES OF VITAL RECORDS

Section 38.0 Disclosure of Vital Records

38.1 Individuals Demonstrating a Direct and Tangible Interest

Except as provided in section 38.5 herein, the state or local registrar, pursuant to section 23-3-23(a) of the Act, shall permit disclosure of individual records of vital events which have occurred less than one hundred (100) years prior to disclosure only to persons demonstrating a direct and tangible interest in those records. Such interest shall be demonstrated by one or more of the following:

- a) The registrant, a member of his immediate family, his guardian, or an authorized agent of these individuals; or
- b) Attorneys-at-law, title examiners, or members of legally incorporated genealogical societies, in the conduct of their official duties; or
- c) Persons requiring information for the determination or protection of a personal or property right; or
- d) A person who has been granted a court order instructing the registrar to provide disclosure.

A direct and tangible interest shall not be demonstrated by firms, agencies or individuals requesting information to be used for commercial purposes.

38.2 Research and Administrative Purposes

Except as provided in section 38.5 herein, the Director or his designee may authorize under appropriate safeguards disclosure of data contained in vital records for research and administrative purposes to one or more of the following:

- a) The national office of vital statistics, provided both that the state shall be reimbursed for the cost of furnishing data and that such data shall be used only for statistical purposes by the national office, unless authorized to do otherwise by the state registrar; or
- b) Federal, state, local and other public or private agencies in the conduct of their official duties; or
- c) Persons or institutions engaged in research.

38.3 Disclosure to the parties listed in section 38.2 herein shall be subject to the following limitations, where applicable:

- a) The information disclosed to them shall be used only for the stated purposes;

- b) No information from vital records shall be published or disseminated in a form that might permit identification of individuals, corporations, or institutions named or listed in vital records, unless permission of these respondents shall have been independently obtained;
- c) No communications shall be made with individuals, corporations, or institutions named or listed on vital records, or with family members, or with informants or certifying officials, unless approval has been obtained by the Director or his designee;
- d) No statement shall be made indicating or suggesting that interpretations drawn from vital statistics data are those of the Department of Health or of state government.

38.4 Pursuant to section 23-3-23(d) of the Act, the state or local registrar shall not require evidence of a direct and tangible interest in order to disclose information from vital records for vital events which have occurred one hundred (100) years or more prior to disclosure.

### 38.5 Disclosure of Out-of-Wedlock Births

Pursuant to section 23-3-23(c) of the Act, information in vital statistics records indicating that a birth occurred out of wedlock may be disclosed only to one of the following:

- a) The mother listed on the certificate; or
- b) Persons or agencies who have the written approval of the mother listed on the certificate;  
or
- c) The registrant, if over the age of 18; or
- d) The natural father, if his name appears on the certificate; or
- e) A person who presents proof of legal guardianship of a child born out of wedlock; or
- f) A person who has been granted a court order instructing the division to issue a certified copy; or
- g) Attorneys or adoption agencies who request certified copies for adoption proceedings; or
- h) Attorneys who represent either the registrant, the mother listed on the certificate, or the father, if his name appears on the certificate.

38.5.1 Information indicating that a birth occurred out of wedlock may be disclosed to the following only, according to the indicated restrictions:

- a) At the discretion of the state registrar, federal, state, county, or municipal agencies charged by law with the duty of detecting or prosecuting crime, preserving the internal security of the United States, or determining citizenship; or
- b) With the approval of the Director, public health agencies which demonstrate that failure to disclose such information to them would be detrimental to the registrant or to the administration of a public health program.

### Section 39.0 Reproduction for Preservation of Vital Records

39.1 To preserve original documents, the state registrar is authorized to prepare typewritten, photographic, or other reproductions of original records and files in his office. Such reproductions when certified by him shall be accepted as the original records, pursuant to section

23-3-22 of the Act.

Section 40.0 Certified Copies of Vital Records

- 40.1 Certified copies of vital records may be prepared and issued only by the state registrar and, where applicable, by the local registrar, in accordance with the rules and regulations herein. Only authorized forms provided by the state registrar may be used for preparing certified copies.
- 40.2 Each certified copy issued shall show the following:
- a) The date of registration at the place where the record was first registered;
  - b) The date of issuance of the copy;
  - c) The signature of the issuing registrar, or an authorized facsimile signature thereof;
  - d) The seal of the issuing office; and
  - e) A statement that the facts are true facts as recorded.
- 40.3 Pursuant to section 23-3-24 of the Act, certified copies issued from records marked "delayed" or "amended", or "court order" shall indicate that the record is delayed, amended, or the result of a court order and the effective date.
- 40.3.1 Certified copies of delayed certificates shall include an abstract of the evidence submitted to substantiate the registration of the record, when such evidence has been made part of the record.
- 40.3.2 All certified copies of birth certificates which have been amended following a legal change of name shall show the effective date of the order and the name of the court shall be entered on the certified copy.
- 40.4 Pursuant to Section 23-3-24(c) of the Act, a certified copy of a certificate or any part thereof, issued in accordance with the Act and the rules and regulations herein shall be considered for all purposes the same as the original, and shall be prima facie evidence of the facts therein stated, provided that the evidentiary value of a certificate or record filed more than one (1) year after the event, or a record which has been amended, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.
- 40.5 The state or local registrar may issue certified copies only of vital events recorded as having occurred in Rhode Island, except that certified copies of vital events recorded in Rhode Island, but having occurred elsewhere, may be made when evidence is presented that the event is not recorded at the place of occurrence.
- 40.6 Non-certified copies may be provided by the state or local registrar to governmental agencies or to individuals or institutions doing research in accordance with sections 38.2 and 38.3 herein.

PART XI FEES, VIOLATIONS AND PENALTIES - SEVERABILITY

Section 41.0 Fees

41.1 Certified copies and searches:

(a) The State Registrar shall charge fees for certified copies and searches as follows:

- (1) For a search of two (2) consecutive calendar years under one name and for issuance of a certified copy of a certificate of birth, fetal death, death, or marriage, or a certification of birth, or a certification that the record cannot be found, the fee is ~~twenty dollars (\$20.00)~~; as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*;  
For each duplicate copy of a certificate or certification issued at the same time, the fee is ~~fifteen dollars (\$15.00)~~; as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*;
- (2) For each additional calendar year search, if applied for at the same time or within three (3) months of the original request and if proof of payment for the basic search is submitted, the fee is ~~two dollars (\$2.00)~~; as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*;
- (3) For providing expedited service, the additional handling fee is ~~seven dollars (\$7.00)~~; as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*;
- (4) For processing of adoptions, legitimations, or paternity determinations as specified in sections 23-3-14 and 23-3-15 of the Act, there shall be a fee of ~~fifteen dollars (\$15.00)~~; as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.
- (5) For making authorized corrections, alterations, and additions, the fee is ~~ten dollars (\$10.00)~~; as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*; provided, no fee shall be collected for making authorized corrections or alterations and additions on records filed before one year of the date on which the event recorded has occurred.
- (6) For examination of documentary proof and the filing of a delayed record, a fee of ~~twenty dollars (\$20.00)~~; as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* and in addition to that fee, the fee is ~~twenty dollars (\$20.00)~~; as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* for the issuance of a certified copy of a delayed record.

(b) The local registrar shall charge fees for certified copies and searches as follows:

- (1) For a search of two (2) consecutive calendar years under one name and for issuance of a certified copy of a certificate of birth, fetal death, death, delayed birth, or marriage, or a certification of birth or a certification that the record cannot be found, the fee is ~~twenty dollars (\$20.00)~~, as set forth in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health. For each duplicate copy of a certificate or certification issued at the same time, the fee is ~~fifteen dollars (\$15.00)~~, as set forth in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.
- (2) For each additional calendar year search, if applied for at the same time or within three (3) months of the original request and if proof of payment for the basic search is submitted, the fee is ~~two dollars (\$2.00)~~, as set forth in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.
- (c) Fees collected under this section by the local registrar shall be deposited in the city or town treasury according to the procedures established by the city or town treasurer except that ~~six dollars (\$6.00)~~ an amount set forth in the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health of the certified copy fees shall be submitted to the State Registrar for deposit in the General Fund of this State.

41.2 Marriage licenses: Upon issuing a marriage license, the local registrar shall charge, collect, and deposit fees for the marriage license in accordance with the provisions of sections 15-2-9 and 15-2-9.1 of reference 3 herein and the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.

41.3 Premarital Blood Tests: A reasonable charge shall be made, collected and deposited for a premarital laboratory test for syphilis performed by the Rhode Island Department of Health laboratory in accordance with the provisions of section 15-2-3 of reference 3 herein and the Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.

#### Section 42.0 Violations and Penalties

42.1 Any person who wilfully and knowingly violates any provisions of the Act, of references 3 and 4 herein, or the requirements of the rules and regulations herein, shall be subject to the penalties as set forth in the Act and the aforementioned references.

#### Section 43.0 Severability

43.1 If any provision of these rules and regulations or the application to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the regulations which can be given effect, and to this end the provisions of these rules and regulations are declared to be severable.

## REFERENCES

1. "Rules and Regulations Pertaining to Medical Examiner System", Rhode Island Department of Health, State Medical Examiners Commission.
2. "Office of State Medical Examiners", Chapter 23-4 of the General Laws of Rhode Island, 1956, as amended.
3. "Marriage Licenses", Chapter 15-2 of the General Laws of Rhode Island, 1956, as amended.
4. "Solemnization of Marriages", Chapter 15-3 of the General Laws of Rhode Island, 1956, as amended.

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*Thursday, 02 August 2012*