

Proposed Regulation

Draft for Public Workshop

R111-22

Explanation – Matters in *bold italics* is new; matters in brackets and strikethrough ~~omitted material~~ is material to be omitted.

Sec. 1. Chapter 440 of the NAC is hereby amended by adding thereto the provisions set forth in section 2 to 12, inclusive of these proposed regulations.

Sec. 2. NAC 440.060 is hereby amended as follows:

1. The State Registrar may prepare a replacement certificate.
2. To the extent possible the information on the certificate must be copied directly from the old certificate to the new certificate. If information necessary to complete the replacement certificate is not included on the original certificate, such information may be added by altering or correcting the certificate in the manner prescribed by [NAC 440.023](#) to [440.040](#), inclusive.
3. Except for the local registrar's signature, the signatures required for the certificate must be typed or entered in conformity with the signatures appearing on the original certificate. The item labeled "Registrar Signature" must be signed by the State Registrar.
4. The original certificate must be retained for permanent filing.
5. The new certificate must be noted as a replacement certificate for an original certificate on file.
6. *When the original certificate is from outside the United States and not written in English, the certificate must be translated into English by a certified translator to create a replacement certificate. Both the original certificate and the translation must be retained by the State Registrar.*

Sec. 3. NAC 440.110 is hereby amended as follows:

1. In the case specified by [NRS 440.325](#), all information needed for the new certificate except the name of the child and the information related to the parent must be obtained from the original certificate.
2. The *name, age and state of birth of the parent(s) and the* name of the child ~~and the name, age, and state of birth of the parent~~ must be obtained from the court order, ~~or~~ Declaration of Paternity or Declaration of Parentage form ~~of the parent~~ filed with the State Registrar *by all parents*.
3. *All parents must provide the State Registrar with proof of valid photo identification.*

Sec. 4. NAC 440.120 is hereby amended as follows

1. In preparing a new certificate of birth pursuant to [NRS 440.310](#), the items specified by the certified adoption decree and the certified report of adoption must be completed as specified. Except as otherwise provided in subsection 2, if any of the information needed to complete the new certificate is not specified by the adoption decree or the report of adoption form, the information must be transcribed directly from the original certificate.
2. The information needed to complete the "Parent or Mother" and "Parent or Father" sections of the new certificate of birth must be collected from the report of adoption form devised for that purpose by the State Registrar or the equivalent officer of another jurisdiction. If the report of adoption form does not contain the information required to complete those sections of the new certificate, the information may be obtained from the certified court order. Except for a last name obtained through marriage or domestic partnership, the name of each parent on the report of adoption form must be identical to the that on the adoption decree. ~~Any name of suffix omitted on the adoption decree may be added to the decree if it is listed on the certified report of adoption form.~~

Sec. 5. NAC 440.160 is hereby amended as follows:

1. *In order to complete the death record within 72 hours as described in NRS 440.490, the person who is required to certify the cause of death shall complete the portions of the death certificate pertaining to the cause of death and the certification of death ~~within 48 hours~~ within 24 hours after being assigned as the certifier. **The person responsible for completing the cause of death on the death certificate is the physician or APRN who pronounced or authorized the pronouncement of the death per NAC 440.158.***

2. If the death did not occur in a hospital or other institution and the death was attended by a physician or advanced practice registered nurse who will not be available within ~~48~~ 24 hours after the death, the certificate must be presented or assigned to an associate physician or advanced practice registered nurse who has access to the attending physician's or advanced practice registered nurse's medical files on the deceased. The associate physician or advanced practice registered nurse shall complete and certify the death certificate within ~~48~~ 24 hours after such presentation or after being assigned as the certifier.

3. If the death occurred in a hospital or other institution and the death was attended by a physician or advanced practice registered nurse who will not be available within ~~48~~ 24 hours after the death, the certificate must be presented or assigned to the chief medical officer of the institution or an associate physician or advanced practice registered nurse who has access to the medical records of the deceased. The chief medical officer or associate physician or advanced practice registered nurse shall complete and certify the death certificate before the end of the next business day after such presentation or after being assigned as the certifier.

Sec. 6. NAC 440.162 is hereby amended as follows:

1. A person completing a certificate of death or fetal death must initiate the certificate:
 - (a) ~~{1}~~ If initiated by a certifier, not later than 24 hours after the death occurred; or
 - (b) ~~{2}~~ If initiated by a funeral director, not later than 24 hours after the funeral director receives the corpse.
2. *It is the responsibility of the originating funeral home to transfer the electronic death or fetal death record to the new funeral home at the time the decedent's body is physically transferred into the care of the new funeral home.*

Sec. 7. NAC 440.165 is hereby amended as follows:

1. The statement of the cause of death in a medical certificate of death is the certifier's best medical opinion and must be:

- (a) Written legibly, when completed on a paper certificate; and
- (b) Expressed clearly and concisely.

2. The State Registrar or local registrar shall return a medical certificate of death to the certifier to be corrected or made more definite if the statement:

- (a) Consists of only the term "natural causes";
- (b) Consists solely of mechanisms of death which merely attest to the fact of death or contains any other indefinite or obsolete term which denotes only the symptom of a disease or the conditions resulting from a disease;
- (c) Is illogically or confusingly written; or
- (d) Contains abbreviations, misspellings or is written in shorthand or in all capital letters.

3. Part I of the statement of the cause of death in the standard certificate of death approved by the United States Public Health Service may contain only the sequence of disease or the injury or other trauma directly resulting in death, as follows:

- (a) Line "A. *Immediate Cause*" must show the immediate (primary) cause of death;
- ~~(b) Lines "B" and "C" must show the contributory or intermediate cause of death; and~~
- ~~(c) Line "D" must show the underlying cause of death.~~
- (b) *Line "B. due to or as a consequence of" must show what caused or contributed to the immediate cause of death listed in Line "A. Immediate Cause".*
- (c) *Line "C. due to or as a consequence of" must show what resulted in or contributed to Line "B".*
- (d) *Line "D. due to or as a consequence of" must show what resulted in or contributed to Line "C".*

(f) If the contributing cause of death is unknown for Lines B, C or D, then the medical certifier is to enter “unknown etiology”.

(g) If the cause of death is a drug overdose, the exact components of the drug mixture must be listed.

The underlying cause of death must be the last cause listed. If there are no intermediate causes, the underlying cause must be entered in line “B”- *due to or as a consequence of*². If the immediate cause and the underlying cause are synonymous, only one entry is necessary. It is permissible for a certifier to qualify a cause of death as “probable” or “presumed,” even if the cause has not been definitively diagnosed.

4. Part II of the statement of the cause of death must show the diseases, injuries or other factors which are medically or statistically significant but not directly related to the cause of death.

5. The statement of the cause of death must be submitted electronically by the certifier to an electronic death registry system approved by the Division of Public and Behavioral Health of the Department of Health and Human Services and attested to by the certifier by means of an electronic signature.

6. As used in this section, “electronic signature” means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

Sec. 8. NAC 440.170 is hereby amended as follows:

1. Except as otherwise provided in [NAC 440.180](#), a death shall be considered to have been attended by a physician or advanced practice registered nurse if the deceased:

(a) Had been examined or treated, including, without limitation, having been prescribed medications or provided care by the physician or advanced practice registered nurse, as applicable, for an acute or chronic condition, within 180 days preceding the death;

(b) Was pronounced dead by a registered nurse or physician assistant pursuant to [NRS 440.415](#); or

(c) Was diagnosed by a physician or advanced practice registered nurse as having an anticipated life expectancy of not more than 6 months.

2. *If a coroner or medical examiner receives a report or investigates a death and determines that any of all of the provisions set forth in paragraph 1 above apply, the coroner shall relinquish jurisdiction of the death to the physician or advanced practice registered nurse in attendance of the death, who shall be responsible for determining the cause of death and signing the death certificate. If there is a delay or dispute between physicians or advanced practice registered nurses regarding the death certificate, the primary care physician for the decease shall be responsible for determining the cause of death and signing the death certificate.*

Sec. 9. NAC 440.180 is hereby amended to add thereto a new section to read as follows:

If the deceased had been under the care of a physician or advanced practice registered nurse under the conditions set forth in [NAC 440.170](#), but the cause of death was unrelated to the purpose for which the deceased consulted the physician or advanced practice registered nurse, as applicable, the death shall not be considered to have been attended and must be referred to the county coroner or medical examiner for review. *If, upon review, the coroner or medical examiner determines that the death was related to the purpose for which the deceased consulted the physician or advanced practice nurse under the conditions set forth in NAC 440.170, the coroner shall relinquish jurisdiction of the death to the physician or advanced practice registered nurse in attendance of the death who shall be responsible for determining the case of death and signing the death certificate.*

Sec. 10. Chapter 440 of NAC is hereby amended to add thereto a new section to read as follows:

1. *The funeral director or designee shall use the gender identity or expression on the death record to match the gender as provided by the informant, using the following notations:*

- (a) "M" indicates "male";
- (b) "F" indicates "female";
- (c) "X" indicates "non-binary" or
- (d) "U" indicates "unknown"

2. If a correction is required, the gender identity of the person of record should be corrected using the existing correction process as set forth in NAC 440.023 to NAC 440.040, inclusive. Evidence for this correction includes but is not limited to:

- (a) Decedent's fully executed will specifically stating decedent's gender identity OR
- (b) Decedent's driver's license at the time of death OR
- (c) Evidence of medical treatment for gender transition OR
- (d) Decedent's updated birth certificate

Sec. 11. NAC 440.310 is hereby amended as follows:

- ~~1.~~ 1. A person for whom a delayed certificate of birth is to be filed must have been born in Nevada, and a birth certificate for the person must not have been previously filed in this state or any other state or country. An applicant must provide verification from the State Registrar or a local registrar that a registered record of birth does not currently exist within this State.
- ~~2.~~ 2. Before filing a delayed certificate of birth, the State Registrar must find that the following facts have been established concerning the person whose birth is to be registered:
 - ~~3.~~ (a) Date of birth;
 - ~~4.~~ (b) Birthplace; and
 - ~~5.~~ (c) Parentage.
 6. country.
 - ~~3.~~ Before filing a delayed certificate of birth, the State Registrar must find that the following facts have been established concerning the person whose birth is to be registered:
 - ~~1.~~ Date of birth;
 - ~~4.~~ Birthplace; and
 - ~~5.~~ Parentage.
 1. To file a birth certificate for a delayed birth, an applicant must provide documentary evidence showing:
 - (a) The child was born in this State; and
 - (b) A birth certificate for that child was not previously filed in this State or any other state or country.
 2. **Based on documentary evidence supplied pursuant to subsection 1** The State Registrar may only issue a delayed certificate of birth where, based upon the documentary evidence supplied pursuant to subsection 1, the State Registrar is able to determine:
 - (a) The parentage of the child;
 - (b) That a pregnancy occurred;
 - (c) That a live birth occurred; and
 - (d) That the birth occurred in this State.
3. An applicant for the filing of a delayed certificate of birth must present at least two documents from independent sources to prove each fact listed in subsection 2. One document may be used to prove more than one of those facts. In certain cases, to be determined by the State Registrar, the applicant's inability to furnish documentary evidence does not preclude the State Registrar from filing the certificate.

Sec. 12. NAC 440.320 is hereby amended as follows:

1. Any document presented must *be within 5 years of the event* ~~at least 5 years old~~ in order *to show the event occurred in Nevada* to be considered as evidence, except where ~~the State Registrar determines it is appropriate to take into account records beyond the 5 year limit in his or her investigation of the case.~~

- ~~(a) The person whose birth is involved is less than 12 years of age; or~~
- ~~(b) The State Registrar determines to take into account more recent records in his or her investigation~~

~~of the case.~~ *The State Registrar shall determine whether the documentary evidence submitted pursuant to NAC 440.330 is sufficient to warrant the filing of a birth certificate for a delayed birth. The State Registrar may deem any documentary evidence as insufficient and may conduct an independent investigation of a delayed birth at any time.*

2. Any document ~~must be authenticated by being an original copy, a verifiable copy or a notarized copy in a sealed file from an independent source. The State Registrar may permit documents not otherwise authenticated to be accompanied by an affidavit from the applicant declaring the authenticity of the document or the applicant's belief in the truth of its contents.~~ *submitted as evidence of a delayed birth must be authenticated as being an original document or a copy of a verifiable document. The State Registrar may accept documents not otherwise authenticated if accompanied by an affidavit submitted by the applicant declaring the authenticity of the document or the applicant's belief in the truth of its contents*

3. Documents that show erasures or alterations must not be accepted ~~as proof of the facts of birth.~~ *evidence of a homebirth. Where an applicant for a birth certificate for a homebirth has been unable to provide valid documentary evidence, a complete statement of the facts and the reason for the absence of such evidence must be noted on the record of birth of the child of the applicant.*

4. All accepted documentary evidence must be listed as part of the record of delayed certificate of birth.

5. *The applicant's inability to furnish documentary evidence required by NAC 440.300 – 440.360, inclusive, does not preclude the State Registrar from filing the certificate where determined to be appropriate by the State Registrar.*

Sec. 13. NAC 440.330 is hereby amended as follows:

The types of documentary evidence which the State Registrar may accept to establish the facts necessary for the filing of a delayed certificate of birth *are as follows:* ~~follow in the order of preference:~~

~~1. A hospital record of birth.~~

~~2. A physician's record of birth.~~

~~3. An affidavit. If the affidavit is to prove the date of the applicant's birth, the affiant must state why he or she knows and remembers the date. The relationship of the affiant to the applicant must be stated in the affidavit.~~

~~4. A utility bill showing both residency at the time of birth and at least one parent's name.~~

~~5. A record of the United States Census Bureau.~~

~~6. A record of the Social Security Numerical Identification System.~~

~~7. A full page of a newspaper containing a notice of birth, showing the name and date of birth.~~

~~8. A certificate of baptism or confirmation, a cradle roll or other church record.~~

~~9. An entrance record from a school.~~

~~10. An insurance policy or a copy of a signed application for an insurance policy.~~

~~11. A certificate of discharge from the Armed Forces.~~

~~12. A record in a family bible if the information was recorded before the applicant's first birthday.~~

~~13. A driver's license.~~

~~14. A marriage record.~~

~~15. A record of a voter's registration.~~

~~16. An employment record.~~

~~17. A birth certificate of the applicant's child.~~

~~18. A record from an organization of which the applicant is or was a member.~~

~~19. Any other relevant document.~~

1. *To show parentage:*

(a) *A current and valid photo identification; and*

(b) *Two completed witness information forms provided by the State Registrar.*

2. *To show that a pregnancy occurred:*

(a) *Prenatal health care records;*

(b) *An affidavit from a licensed physician, public health nurse or other qualified health care provider who consulted with the applicant during the pregnancy;*

- (c) *An ultrasound performed on the applicant during the pregnancy; or*
- (d) *If the documents described in paragraphs (a), (b) and (c) are not available, affidavits from three persons who have personal knowledge of the pregnancy, none of whom is a parent of the child.*
- 3. *To show that a live birth occurred:*
 - (a) *An affidavit from a licensed physician, public health nurse or other qualified health care provider who witnessed or examined the child within 14 days after the birth; or*
 - (b) *An appointment in person or, if the parent and child reside outside of this State, by videoconference, with the State Registrar or a local registrar of vital statistics with the parent and child present. If an appointment will be conducted by videoconference, the State Registrar must receive the completed documents described in subsections 1, 2 and 4 before the appointment.*
- 4. *To show that the homebirth occurred in this State:*
 - (a) *A utility bill showing residency of the parent in this State at the time of birth that also displays the parent's name; or*
 - (b) *A statement which shows a credit or debit card transaction completed by the parent and which includes the date and location of the transaction. The transaction must have been completed in this State.]*
- 5. *The State Registrar has the discretion to accept alternate documentation.*

Sec. 14. NAC 440.400 is hereby amended as follows:

- 1. A health district shall remit to the State Registrar:
 - (a) For each registration of a birth or death in its district..... \$2
 - (b) For each copy issued of a certificate of birth in its district, other than a copy issued pursuant to paragraph (a) of subsection 3 of [NRS 440.175](#) 7
 - (c) For each copy issued of a certificate of death in its district..... 4

Ê Any amount remitted to the State Registrar pursuant to paragraphs (b) and (c) is inclusive of any amount a health district remits to the State Registrar pursuant to subsection 2 or 3 of [NRS 440.700](#), as applicable.
- 2. Except as otherwise provided in [NRS 440.175](#) and [440.700](#) and as applicable, the State Registrar will, or a local registrar may, charge and collect the following *non-refundable* fees (*if services have been provided*):
 - (a) For searching the files for one name, regardless of whether a record is located, if no copy is made \$10
 - (b) Except as otherwise provided in paragraph (c), for verifying or witnessing a vital record or document or issuing a certified abstract of a certificate 10
 - (c) For electronic verification of a vital record through the Electronic Verification of Vital Events (EVVE) system 2
 - (d) For establishing and filing a record of paternity with the State Registrar, other than a hospital-based paternity, and providing a certified copy of the new record..... 45
 - (e) For establishing and filing a record of paternity with the State Registrar, other than a hospital-based paternity, where the record of paternity is filed by the Division of Welfare and Supportive Services of the Department of Health and Human Services and a certified copy of the new record is not provided..... 10
 - (f) For a certified copy of a record of birth..... 25
 - (g) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to [NRS 259.025](#) 22

(h) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to [NRS 259.025](#). 25

(i) Except as otherwise provided in paragraph (j), for correcting a record on file with the State Registrar and providing a certified copy of the corrected record..... 45

(j) For correcting a record on file with the State Registrar where the correction is filed by a certifier and the State Registrar determines that the correction is not the result of an error by the certifier..... 10

(k) For replacing a record on file with the State Registrar and providing a certified copy of the new record 45

(l) For a replacement birth certificate of a person that was born in a foreign country that has been provided a certified copy of the translated record 45

(m) For filing a delayed certificate of birth *or a home birth* with the State Registrar and providing a certified copy of the certificate..... 45

~~(n) For the services of a notary public provided by the State Registrar..... 2~~

(n) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State..... 200

(o) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State..... 100

(p) For compiling data files which require specific changes in computer programming..... 500