

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 19. DEPARTMENT OF HEALTH SERVICES VITAL RECORDS AND STATISTICS

PREAMBLE

- 1. Sections Affected**
R9-19-413
- Rulemaking Action**
Amend
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 36-132(A) and 36-136(F)
Implementing statute: A.R.S. § 36-342 and Laws 2002, Chapter 160
- 3. The effective date of the rules:**
August 22, 2002
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**
Not applicable
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Julie Frasco, Assistant State Registrar
Address: Department of Health Services
2727 W. Glendale
Phoenix, AZ 85051
Telephone: (602) 364-1225
Fax: (602) 364-1257
or
Name: Kathleen Phillips, Rules Administrator
Address: 1740 W. Adams, Suite 102
Phoenix, AZ 85007
Telephone: (602) 542-1264
Fax: (602) 364-1150
- 6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:**
Laws 2002, Chapter 160 (SB1145) was enacted to establish a Vital Records Electronic Systems Fund to collect funds for costs associated with the vital records automation system. The bill allows 40% of the fees collected by the Department of Health Services (the Department) for searches, copies of various records, and applications to file delayed records, to be deposited into the Vital Records Electronic Systems Fund. The remaining 60% of the fees will continue to be deposited into the state general fund. This rulemaking provides an increase in the fees established in A.R.S. § 36-342, so that the amount of money the state general fund receives from these fees is not diminished as a result of the legislation. Laws 2002, Chapter 160 provides an exemption from the requirements of A.R.S. Title 41, Chapter 6.

7. A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:
Not applicable
8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of the state:
Not applicable
9. The summary of the economic, small business and consumer impact:
Not applicable under an exemption pursuant to Laws 2002, Chapter 160.
10. A description of the changes between proposed rules, including supplemental notices, and final rules (if applicable):
Not applicable
11. A summary of the principal comments and the agency response to them:
Not applicable
12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable
13. Incorporations by reference and their location in the rules:
None
14. Was the rule previously adopted as an emergency rule?
No
15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 19. DEPARTMENT OF HEALTH SERVICES
VITAL RECORDS AND STATISTICS

ARTICLE 4. ACCESS TO RECORDS; COPIES; FEES

Section

R9-19-413. ~~Fee Schedule~~ Payment of fees

ARTICLE 4. ACCESS TO RECORDS; COPIES; FEES

R9-19-413. ~~Fee Schedule~~ Payment of fees

- A. ~~In the following an applicant shall be charged~~ The Department charges the following fees:
1. ~~\$8 Fourteen dollars~~ for each certified copy of a non-computer-generated birth certificate, or “certificate of no record” if the certificate is not on file.
 2. ~~\$5 Nine dollars~~ for each certified copy of a non-computer-generated death certificate, fetal death certificate, certificate of birth resulting in stillbirth, or a “certificate of no record” if the certificate is not on file.
 3. ~~\$5 Nine dollars~~ for each computer-generated birth certification or “certificate of no record” if the certificate is not on file.
 4. ~~\$8 Thirteen dollars~~ for each certified copy of an Affidavit of Acknowledgment of Paternity.
 5. For a record search, when the registrant’s name, the date and place of birth or death, or other identifying information is not known, \$3 four dollars for each of the first 10 ten years searched and \$2 three dollars for each additional record year, searched when the registrant’s name, the date and place of birth or death, or other identifying information is not known. The search fee does not include not including the issuance of a certified copy if the certificate is found.
 6. ~~\$13 as an application fee~~ Twenty-two dollars for applying to file a delayed certificate of birth, death, birth resulting in stillbirth, or fetal death. The applicant shall receive 1, including one certified copy of the complete record without additional charge.
 7. ~~\$13 to establish~~ Twenty-two dollars to file a new birth certificate following adoption, legitimation, paternity determination, or surgical alteration or to create a death certificate based on a court finding of death. The applicant shall receive 1, including one certified copy of the new certificate without additional charge.
 8. ~~\$13 as an application fee to add~~ Twenty-two dollars for applying to file an amendment or supplement to any a certificate showing judicial changes or major administrative changes which that occur 90 days or more after date of the event. The applicant shall receive 1, including one copy of the amended certificate without additional charge.

9. ~~\$13 as an application fee to add~~ Twenty-two dollars for applying to file missing or omitted information or minor administrative changes ~~± one year or more after the date of the event. The applicant shall receive 1, including one~~ certified copy of the amended certificate ~~without additional charge.~~
10. ~~\$2 per copy of~~ Three dollars for each noncertified copy of a certificate issued or for each search to verify birth or death data for statistical, medical, research, or administrative purposes.
- ~~11. \$3 for postage and handling of refunds.~~
- ~~12. The fee and method of payment determined by the State Registrar for scientific, medical, statistical, or research services based upon the costs of computer time, manpower, postage, and material.~~
- ~~13.~~ 11. Ten Except for state agencies, seventeen dollars for each search for a putative father in the putative fathers registry.
- B.** The Department shall determine the fee and method of payment on a one-by-one basis for searches for scientific, medical, statistical, or research purposes based upon the cost of computer time, employee time, postage, and material used.
- C.** In addition to the fees charged in subsection (A), the Department shall charge an additional surcharge of one dollar for each certified copy of a birth certificate or death certificate, as required in A.R.S. § 36-342.
- ~~**B.D.** No fee shall be charged~~ The Department shall not charge a fee to physicians, hospitals, medical examiners or funeral directors who submit information at any time to correct errors or otherwise add to the completion of a certificate.