Regulatory Analysis

Notice of Intended Action to be published: rule 641—99.10(144)
"Vital Records Modifications"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 144.3

State or federal law(s) implemented by the rulemaking: Iowa Code sections 144.26, 144.38, and 144.41 and 2024 Iowa Acts, Senate File 2430

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 19, 2024 2 p.m.	Microsoft Teams Meeting ID: 222 143 545 89 Passcode: Ythqof

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed rulemaking provides guidance for the correction, substitution and amendment of medical certification of cause of death. This rule establishes processes for correction or substitution requests before and after 12 months from date of death and includes a requirement that supporting evidence be provided with the request.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There is no fee for correction, substitution or amendment of a death certificate under this rule.

- **Classes of persons that will benefit from the proposed rulemaking:**

Those seeking correction or substitution of medical certification of cause of death will benefit.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

None were identified.

- **Qualitative description of impact:**

This rule provides structure and clarity for the process of correcting or substituting a death certificate.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department incurs personnel related costs to implement the policy.

- **Anticipated effect on state revenues:**

None were identified.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Without this rule, there would be no framework for correcting and substituting death certificates, or a legal basis for Department action.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

None were identified.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

None were identified.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

These amendments are mandated by the Iowa Code.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend rule 641—99.10(144) as follows:

641—99.10(144) Correction or ~~amendment to~~ substitution of medical certification of cause of death.

99.10(1) Corrections or ~~amendments to~~ substitutions of the medical certification of cause of death shall be requested solely by the medical certifier listed on the certificate of death or fetal death.

99.10(2) The medical certifier may correct the medical certification of cause of death within ~~90 days following~~ 12 months of the date of death or fetal death. The request shall be submitted to the state registrar with supporting evidence on official letterhead signed and dated by the medical certifier listed on the certificate of death or fetal death.

99.10(3) ~~Any amendment after 90 days following~~ A correction to the medical certification of the cause of death and substitution of a death certificate requested solely by the medical certifier after 12 months of the date of death or fetal death shall be made by order of a court of competent jurisdiction and considered an amendment. However, the medical certification of cause of death may

be amended at any time upon submission of a report of autopsy or toxicological findings or additional findings by the county or state medical examiner.

99.10(4) No fee shall be charged for correction, substitution or amendment made pursuant to this rule.