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 Nashville, TN 37243
 Phone: 615.741.2650
 Fax: 615.741.5133
 Email: register.information@tn.gov

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Sequence Number: 07-07-10
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 File Date: 07/16/2010

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission: Tennessee Department of Health
 Policy Planning And Assessment
Division: Division of Vital Records
Contact Person: Teresa Hendricks
Address: Central Services Building, 1st Floor, 421 5th Avenue North
 Nashville, Tennessee 37243
Phone: (615) 532-2600
Email: Teresa.Hendricks@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact: Tina Harris
 Andrew Johnson Tower, 11th Floor
 710 James Robertson Parkway
Address: Nashville, Tennessee 37243
Phone: 615-741-6350
Email: Tina.harris@state.tn.us

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Poplar Conference Room		
Address 2:	227 French Landing, Heritage Place, Nashville, Tennessee 37243		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date:	September 7, 2010		
Hearing Time:	1:00 pm	<input checked="" type="checkbox"/> X	CST <input type="checkbox"/> EST

Additional Hearing Information:

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only ONE Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-07-01	Vital Records
Rule Number	Rule Title
1200-07-01-.07	Disposition of Reports of Fetal Death and Induced Termination of Pregnancy
SS-7037 (October 2009)	

1200-07-01-.07	Disposition of Reports of Fetal Death and Induced Termination of Pregnancy
1200-07-01-.13	Fees for Copies and Searches
1200-07-01-.15	Certificates of Birth Resulting in Stillbirth

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Tennessee Department of Health
Policy Planning and Assessment
Division of Vital Records

Chapter 1200-07-01
Vital Records

Rule 1200-07-01-.07 Disposition of Reports of Fetal Death and Induced Termination of Pregnancy is amended by changing the title of the rule to Reports of Fetal Death and Induced Termination of Pregnancy and by deleting paragraph (2) in its entirety and substituting it instead with the following language, and deleting paragraph (4) in its entirety and renumbering paragraph (5) as new paragraph (4), so that as amended, the new title and paragraph (2) will read:

1200-07-01-.07 Reports of Fetal Death and Induced Termination of Pregnancy

- (2) A report of fetal death shall be submitted for each fetal death of a fetus weighing three hundred fifty (350) grams or more or for each fetal death of twenty (20) completed weeks gestation or more. The State Registrar shall not maintain any report of fetal death for a fetus weighing less than three hundred fifty (350) grams or, if weight is not reported, that shows less than twenty (20) completed weeks of gestation.

Rule 1200-07-01-.07 Disposition of Reports of Fetal Death and Induced Termination of Pregnancy is amended by deleting newly renumbered paragraph (4) in its entirety and substituting instead the following language, so that as amended, the newly renumbered paragraph (4) will read:

- (4) Except as noted in 1200-07-01-.07(3), reports of fetal death are not copied, issued, or otherwise released, except for statistical or research purposes approved by the State Registrar.

Authority: Chapter 778 of the Public Acts of 2010. T.C.A. § 68-3-504.

Rule 1200-07-01-.13 Fees for Copies and Searches is amended by adding new subparagraphs (u), (v), (w) and (x) to paragraph (3), so that, as amended, the new subparagraphs (u), (v), (w) and (x) of paragraph (3) will read:

- (u) For preparing and filing a certificate of birth resulting in stillbirth \$15.00
- (v) For amending a certificate of birth resulting in stillbirth \$15.00
- (w) For a 3 year search of the files of certificates of birth resulting in stillbirth and issuance of a copy 15.00
- (x) For each additional copy of the same certificate of birth resulting in stillbirth issued at the same time \$5.00

Authority: Chapter 778 of the Public Acts of 2010. T.C.A. § 68-3-514.

New Rule

1200-07-01-.15 Certificates of Birth Resulting in Stillbirth

- (1) "Stillbirth" means an unintended, intrauterine fetal death after a gestational age of not less than twenty (20) completed weeks or with a weight of three hundred fifty (350) grams or more.

- (2) The state registrar shall prepare a certificate of birth resulting in stillbirth when the following conditions are met:
- (a) A parent named in the report of fetal death (stillbirth) has submitted a request for a certificate of birth resulting in stillbirth; and
 - (b) The stillborn had attained a weight of three hundred fifty (350) grams or more or a gestational age of at least twenty (20) completed weeks.
 - (c) In the case of a stillbirth which occurred on or before July 1, 2010, or in the case in which no report of fetal death (stillbirth) is available, evidence that the stillborn met the gestational weight and/or age requirements set forth in (b) above may be proved by the notarized statement of the physician in attendance, birthing institution, nurse-midwife or other knowledgeable informant.
 - (d) The request for the certificate of birth resulting in stillbirth shall be made on the form provided by the department, which shall include
 1. The date of the stillbirth;
 2. The county in which the stillbirth occurred;
 3. The state file number of the report of fetal death (stillbirth), if known;
 4. The gender of the stillborn, if known;
 5. The name if any, selected by the requesting parent;
 6. The name of the mother who delivered the stillborn;
 7. The name of the father of the stillborn;
 8. In the case of a stillbirth to an unmarried mother, the father may submit the request upon submission of a voluntary acknowledgment of paternity; or a finding of parentage by a court.
- (3) In any case in which no given name is provided to the registrar, on the report of fetal death (stillbirth), or the requestor does not provide a name to the registrar, the first name shall be left blank on the certificate, and the last name of the parent or parents shall be entered as provided in T.C.A §68-3-301 et seq.
- (4) A certificate of birth resulting in stillbirth may be amended upon the request of the original requestor(s).
- (5) A certificate of birth resulting in stillbirth shall not be proof of a live birth for any purpose, nor shall it be used by the Department to calculate live birth statistics. Each certificate of birth resulting in stillbirth shall state "this certificate is not proof of live birth."

Authority: Chapter 778 of the Public Acts of 2010. T.C.A. §§ 68-3-102, 68-3-514.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 7/16/10

Signature: Mary Kennedy

Name of Officer: Mary Kennedy

Deputy General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 7/16/10

Notary Public Signature: Theresa P. Wilkins

My commission expires on: 11/7/2011

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Filed with the Department of State on: 7/16/10

Tre Hargett by John Sait, POA

Tre Hargett
Secretary of State

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