

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 754

BY: MILES-LaGRANGE and HORNER
of the SENATE

and

THOMPSON of the HOUSE

COMMITTEE SUBSTITUTE AN ACT RELATING TO BIRTH DEFECTS AND BIRTH
CERTIFICATES; AMENDING 63 O.S. 1991, SECTION 1-550.2, WHICH RELATES
TO BIRTH DEFECTS SURVEILLANCE PROGRAM; PROVIDING FOR USE OF
ADDITIONAL INFORMATION FOR CERTAIN PURPOSES; DELETING LANGUAGE
PERTAINING TO CERTAIN RIGHT; AMENDING 63 O.S. 1991, SECTION 1-311,
WHICH RELATES TO BIRTH CERTIFICATES; REQUIRING THE CERTIFICATES TO
CONTAIN CERTAIN ITEMS; PROVIDING FOR TRAINING OF AND INFORMATION TO
CERTAIN PERSONS; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-550.2, is
amended to read as follows:

Section 1-550.2 A. It is hereby found that the occurrence of a
birth defect is a tragedy for the child, the family and the
community, and a matter of vital concern to the public health. A
system to obtain more information about these conditions could

result in their prevention, treatment and management. Therefore, it is the intent of the Oklahoma State Legislature, in enacting this section, to:

1. Obtain information on the incidence and trends of birth defects and poor reproductive outcomes;

2. Obtain information to determine whether environmental hazards are associated with birth defects and poor reproductive outcomes;

3. Obtain information as to other possible causes of birth defects and poor reproductive outcomes; and

4. Develop prevention strategies for reducing the incidence of birth defects, and poor reproductive outcomes.

B. The Commissioner of Health may establish a system for the collection and verification of information concerning birth defects and other poor reproductive outcomes. In establishing the system, the Commissioner may require general acute care hospitals to maintain a list of patients up to six (6) years of age who have been diagnosed with birth defects incorporated within the ICD-9-CM diagnostic code categories 740 through 759.9 or such other information as the Commissioner deems appropriate, and all women discharged with a diagnosis of stillbirth or miscarriage. The list shall be made available to the Commissioner upon request and shall be used solely for purposes provided in this section.

C. The Commissioner may require general acute care hospitals, and other sources as deemed necessary, to make available to the State Department of Health the medical records of those patients who have been diagnosed with birth defects or poor reproductive outcomes as required in this section.

D. The system shall be implemented statewide.

E. The Commissioner may use the information collected pursuant to subsection B of this section and information available from other reporting systems and health providers to conduct studies to:

1. Investigate the causes of birth defects and poor reproductive outcomes;

2. Determine and evaluate measures designed to prevent their occurrences; and

3. Where possible ensure delivery of services for children identified with birth defects. The Department's investigation of poor reproductive outcomes shall include geographic, time-related or occupational associations, as well as investigations of past exposure to potentially harmful substances.

F. The Commissioner may appoint an advisory committee of health professionals who shall advise on the implementation of this section. Advisory committee members shall serve without compensation.

G. If the Commissioner finds it is necessary to collect information from sources other than general acute care hospitals, the Commissioner shall first submit for approval to the advisory committee a proposal stating the need for such information.

H. All information collected and analyzed pursuant to this section shall be confidential insofar as the identity of the individual patient is concerned and shall be used solely for the purpose provided in this section. Access to such information shall be limited to the State Department of Health, provided that the Commissioner may provide access to those scientists approved by the advisory committee who are engaged in demographic, epidemiological or other similar studies related to health, and who agree, in writing as nonstate employees, to be identified and coded while maintaining confidentiality as described herein.

I. The Department shall maintain an accurate record of all persons who are given access to the information in the system. The record shall include:

1. The name of the persons authorizing access;

2. The name, title and organizational affiliation of persons given access;

3. The dates of access;

4. The specific purpose for which the information is to be used; and

5. The results of the independent research.

J. Nothing in this section shall prohibit the publishing of statistical compilations relating to birth defects or poor reproductive outcomes which do not in any way identify individual cases or individual sources of information.

K. Any person who, in violation of a written agreement to maintain confidentiality, willfully discloses any information provided pursuant to this section shall be denied further access to any confidential information maintained by the Department. That person shall also be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of Two Hundred Dollars (\$200.00) or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

~~L. Any person shall have the right to deny access or use of the information specified by the provisions of subsections B and C of this section if such information applies to the person's own case or to that of his child. Prior to the collection of any such information as required by this section, said person shall be advised in writing of the right to deny access to or use of such information.~~

~~M.~~ The State Board of Health is authorized to adopt, amend and repeal rules and regulations for the purpose of carrying out the provisions of this section.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-311, is amended to read as follows:

Section 1-311. ~~(a)~~ A. A certificate of birth for each live birth which occurs in this state shall be filed with the local

registrar of the district in which the birth occurs, within seven (7) days after such birth. Provided, that when a birth occurs on a moving conveyance, a birth certificate shall be filed in the district in which the child was first removed from the conveyance.

~~(b)~~ B. When a birth occurs in an institution, the person in charge of the institution or his designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file it with the local registrar. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within five (5) days after the birth.

~~(c)~~ C. 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:

~~(1)~~ 1. The physician in attendance at or immediately after the birth, or in the absence of such a person,

~~(2)~~ any 2. Any other person in attendance at or immediately after the birth, or in the absence of such a person,

~~(3)~~ the 3. 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 and present at the birth.

~~(d)~~ ~~(1)~~ D. 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.

~~(2)~~ 2. If the mother was not married either at the time of conception or birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and the person to be named as the father, unless a determination of paternity has been made by a court of competent jurisdiction, in

which case the name of the father as determined by the court shall be entered.

~~(e)~~ E. Either of the parents of the child shall sign the certificate of live birth to attest to the accuracy of the personal data entered thereon, in time to permit its filing within the seven (7) days prescribed above.

F. The forms of such birth certificates shall include but not be limited to:

1. The items included on federal certificates of live birth;

2. The items recommended to be included in the birth

certificates by the federal agency responsible for national vital statistics; and

3. A listing of, at a minimum, the following race designations:

a. American Indian,

b. Asian,

c. Black,

d. Caucasian, and

e. Hispanic.

G. The State Commissioner of Health shall provide for the training of local registrars on proper completion of the birth certificates, and shall provide a detailed informational pamphlet on proper completion of the certificates to be included with or made available to those persons obtaining blank certificate forms from the local registrars or the Oklahoma State Department of Health.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.