

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

COMMITTEE SUBSTITUTE
FOR SENATE JOINT
RESOLUTION NO. 16

By: Cain

COMMITTEE SUBSTITUTE

A Joint Resolution relating to public health and safety; amending 63 O.S. 1991, Section 1-323, as amended by Section 8, Chapter 305, O.S.L. 1992 (63 O.S. Supp. 1994, Section 1-323), which relates to confidentiality of vital statistics records; directing the State Board of Health to enter into certain agreement with the United States Social Security Administration; authorizing the State Department of Health to take certain actions; directing distribution; and declaring an emergency.

WHEREAS, Enumeration at Birth (EAB) is a procedure whereby parents of newborn infants can elect to have the state furnish to the United States Social Security Administration (SSA) the information required for issuance of a social security number to the child, based on state birth records, without the necessity of the parent having to complete a separate application with SSA or the need to furnish evidence of age, citizenship and identity that is required to be submitted with the SSA application; and

WHEREAS, EAB is essentially a one-way, magnetic tape exchange of data from the State Department of Health Bureau of Vital Statistics (BVS) to the Social Security Administration through which the information needed to assign a social security number is authorized by the parent to be extracted from the birth record and released to SSA; and

WHEREAS, once the data is transmitted, SSA issues a social security number for the new baby and mails the social security card directly to the parent with no feedback to BVS regarding the number assigned, thus eliminating the possibility of unauthorized disclosure of the social security number; and

WHEREAS, currently 47 states and two large metropolitan areas already participate in the EAB program and the benefits to these states and municipalities include significant improvement in service to the public and improved efficiency in the operations of their vital statistics divisions; and

WHEREAS, the EAB program also helps facilitate application processes for state-operated programs, such as the Aid to Families with Dependent Children Program, which rely on the assignment and accuracy of social security numbers; and

WHEREAS, the EAB program only impacts cases involving infants or very small children and affords the parents of these children considerable convenience. Routine requests for birth certificates received by BVS, for purposes such as child care and school enrollment and passport applications, would not be affected by the program; and

WHEREAS, the EAB program has proven to be revenue-neutral, and even positive, in other locales. Under an EAB agreement, SSA reimburses the state at a rate of One Dollar and fifty cents (\$1.50) per birth record for the first 15,000 records. SSA also pays the state for start-up costs related to the EAB program such as addition of the enumeration question to the birth registration form, purchase of the companion electronic birth certificate software, training, quality control, and programming costs to add the question to the BVS database; and

WHEREAS, a BVS-based SSA employee currently certifies approximately 100 birth records per week for purposes of social security benefits. With the time and resources saved under the EAB

program, BVS personnel will be able to assume this workload and charge a fee for the service, thus providing additional revenue for the state; and

WHEREAS, to participate in the Enumeration at Birth program a state has to elect to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 45TH OKLAHOMA LEGISLATURE:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-323, as amended by Section 8, Chapter 305, O.S.L. 1992 (63 O.S. Supp. 1994, Section 1-323), is amended to read as follows:

Section 1-323. A. ~~To~~ In order to protect the integrity of vital statistics records, ~~to insure~~ ensure their proper use, and ~~to insure~~ ensure the efficient and proper administration of the vital statistics system in this state, it shall be unlawful for any person to permit inspection of, or to disclose information contained in, vital statistics records, or to copy or issue a copy of all or part of any such record except to the person ~~himself~~ or in ~~his~~ the person's interest unless ordered to do so by a court of competent jurisdiction, except as hereinafter provided; provided, however, ~~that~~ death certificates shall be issued upon request and ~~the~~ upon payment of applicable fees as provided in Section 1-325 of this Code.

B. The State Commissioner of Health may authorize the disclosure of data contained in vital statistics records for research purposes. Beginning July 1, 1975, and at the end of each quarter thereafter, the ~~Health State~~ State Department of Health shall transmit to the Department of Public Safety a list of all registered deaths which have occurred during such period of time. Upon receipt of these names, the Department of Public Safety shall use them solely to update their records and cancel the operator's license for those deceased individuals presently holding a valid Oklahoma motor vehicle operator's license.

C. Information in vital statistics records indicating that a birth occurred out of wedlock shall not be disclosed except as provided by regulation or upon order of a court of competent jurisdiction.

D. For the purpose of assisting in the location and recovery of missing children, information pertaining to birth certificates and requests for copies of birth certificates shall be provided to the Oklahoma State Bureau of Investigation pursuant to the provisions of Section 1-323.1 of this title and Section 150.12A of Title 74 of the Oklahoma Statutes.

E. The State Commissioner of Health shall authorize the transmission of death certificates to the Department of Labor for the purpose of the Department of Labor conducting a census of total occupational injuries and illnesses. The State Department of Health shall transmit to the Department of Labor statistics of fatal occupational injuries that shall include the following:

1. Name of the deceased;
2. Date of death;
3. Sex;
4. Race;
5. Age;
6. Birth date;
7. Social security number;
8. Whether an autopsy was conducted;
9. Month of the accident; and
10. Whether decedent was of Hispanic origin.

F. The Department of Labor shall be required to protect the integrity of the vital statistics records to the same extent required of the State Department of Health pursuant to this section.

G. The State Commissioner of Health is hereby directed to enter into an agreement with the United States Social Security Administration to enable this state to participate in the voluntary

Enumeration at Birth program. The State Department of Health is authorized to take any actions necessary to administer the program in this state, including, but not limited to, modification of procedures and forms used in the birth certificate registration process.

SECTION 2. The Secretary of State is hereby directed to distribute copies of this resolution to the State Board of Health and the State Commissioner 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.

45-1-0934

CJ