

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Vital Records Code
- 2) Code Citation: 77 Ill. Adm. Code 500
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
500.10	Amend
500.50	Amend
- 4) Statutory Authority: Vital Records Act [410 ILCS 535]
- 5) A Complete Description of the Subjects and Issues Involved: Section 500.50 is being amended to implement P.A. 96-338, which became effective on January 1, 2010. A permit for a group burial or group cremation for fetuses under the 20th week of gestation may be issued without completion of a fetal death certificate under specific circumstances. The Department was charged with adopting rules to implement this section of the Vital Records Act. This is necessary to instruct birthing hospitals and coroners/medical examiners. The Definitions Section is being amended to correspond to technical changes in Section 500.50.

The economic effect on this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rule will not have an effect on units of local government.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

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Division of Legal Services
Illinois Department of Public Health
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Springfield, Illinois 62761

217/782-2043

e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH CHAPTER I: DEPARTMENT OF PUBLIC HEALTH SUBCHAPTER e: VITAL RECORDS

PART 500 ILLINOIS VITAL RECORDS CODE

Section

500.10	Definitions
500.20	Access to Vital Records
500.30	Delayed Records of Birth
500.40	Amendments, Additions or Corrections to Vital Records
500.43	Amendments to Birth Records Following Gender Re-assignment
500.45	New Certificates of Birth
500.47	Illinois Adoption Registry and Information Exchange
500.50	Transportation and Disposition of Dead Human Body
500.60	Court Order to Restore Original Certificate of Birth
500.70	Availability of Medical and Health Information
500.80	Appointment and Removal of Local Registrars
500.90	Social Security Numbers of the Mother and Father of an Infant

500.APPENDIX A Birth Records

500.ILLUSTRATION A	Certificate of Live Birth
500.ILLUSTRATION B	Information For Medical and Health Use Only
500.ILLUSTRATION C	Record of a Foreign Birth
500.ILLUSTRATION D	Certificate of Birth – Foundling Child
500.ILLUSTRATION E	Application for Search of Birth Record Files
500.ILLUSTRATION F	Application for Correction of a Birth Certificate

500.APPENDIX B Delayed Birth Records

500.ILLUSTRATION A	Instructions for Filing a Delayed Record of Birth for a Child Age One to Seven Years
500.ILLUSTRATION B	Delayed Record of Birth
500.ILLUSTRATION C	Filing a Delayed Record of Birth After the Seventh Birthday
500.ILLUSTRATION D	Application for Delayed Record of Birth
500.ILLUSTRATION E	Delayed Record of Birth (Registered After Seventh Birthday)

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

500.ILLUSTRATION F	Affidavit in Support of an Application for a Delayed Registration of Birth
500.APPENDIX C	Marriage Application and Record
500.APPENDIX D	Certificate of Dissolution, Invalidity of Marriage or Legal Separation
500.APPENDIX E	Adoption Records
500.ILLUSTRATION A	Certificate of Adoption
500.ILLUSTRATION B	Information Concerning Adoptive Parents
500.ILLUSTRATION C	Information Concerning Parents
500.ILLUSTRATION D	Instructions for Adoption Registry Forms
500.ILLUSTRATION E	Birth Parent Registration Identification Form
500.ILLUSTRATION F	Instructions for Adoptee Registration (Repealed)
500.ILLUSTRATION G	Adopted Person Registration Identification Form
500.ILLUSTRATION H	Information Exchange Authorization Form
500.ILLUSTRATION I	Denial of Information Exchange Form
500.ILLUSTRATION J	Instructions for Applying for a New Birth Certificate for a Legitimated Child
500.ILLUSTRATION K	Surrendered Person Registration Identification Form
500.ILLUSTRATION L	Non-surrendered Birth Sibling Registration
500.ILLUSTRATION M	Adoptive Parent Registration Identification Form
500.ILLUSTRATION N	Legal Guardian Registration Identification Form
500.ILLUSTRATION O	Adoption Registry Application Form
500.ILLUSTRATION P	Medical Questionnaire Form
500.APPENDIX F	Death Records
500.ILLUSTRATION A	Certificate of Fetal Death
500.ILLUSTRATION B	Medical Examiner's – Coroner's Certificate of Death
500.ILLUSTRATION C	Medical Certificate of Death
500.ILLUSTRATION D	Application for Search of Death Record Files
500.ILLUSTRATION E	Corrected Cause of Death Certification
500.ILLUSTRATION F	Application for Correction of a Death Certificate
500.APPENDIX G	Death Records
500.ILLUSTRATION A	Report of Death
500.ILLUSTRATION B	Necropsy (NEC)1
500.ILLUSTRATION C	Permit for Disposition of Dead Human Body
500.ILLUSTRATION D	Coroner's or Medical Examiner's Permit to Cremate a Dead Human Body
500.ILLUSTRATION E	Application for Disinterment – Reinterment Permit
500.APPENDIX H	Affidavits

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

500.ILLUSTRATION A	Affidavit by Mother
500.ILLUSTRATION B	Affidavit by Father
500.ILLUSTRATION C	Affidavit and Certificate of Correction
500.ILLUSTRATION D	Abstract of a Record
500.APPENDIX I	Subregistrar's Appointment Blank

AUTHORITY: Implementing and authorized by the Vital Records Act [410 ILCS 535], Adoption Act [750 ILCS 50], and Jane Doe II v. Lumpkin, United States District Court, Central District of Illinois, Case No. 89-1224.

SOURCE: Amended April 7, 1976, effective May 1, 1976; amended at 6 Ill. Reg. 3880, effective March 29, 1982; codified at 8 Ill. Reg. 8917; emergency amendment at 15 Ill. Reg. 3593, effective February 20, 1991, for a maximum of 150 days; emergency expired July 22, 1991; amended at 15 Ill. Reg. 11706, effective August 1, 1991; emergency amendment at 24 Ill. Reg. 3885, effective February 25, 2000, for a maximum of 150 days; emergency expired July 24, 2000; amended at 24 Ill. Reg. 11882, effective July 26, 2000; amended at 35 Ill. Reg. 16682, effective October 3, 2011; amended at 37 Ill. Reg. _____, effective _____.

Section 500.10 Definitions

"Act" means the Vital Records Act [410 ILCS 535].

"Adoption Act" refers to the Act located at 750 ILCS 50.

"Affiant" means the person signing the correction form.

"Certificate" means an officially registered Certificate of Live Birth, Delayed Record of Birth, Medical Death, Medical Examiner's/Coroner's Death, or Fetal Death (Stillbirth).

"Certified court order₁," "court order₂," "appropriate court order₂," and "court determination" mean an order entered by a court of competent jurisdiction that ~~which order~~ is certified by the clerk of the court, dated, and ~~which order~~ includes the full information required by the State Registrar to amend, correct, replace, impound, open, or create a vital record without reference to any other document.

"Correction" means the administrative correction or amendment of a certificate to

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

reflect the correct information at items where incorrect information has originally been entered; or the addition of correct information for items previously omitted from the certificate. "Correction" does not mean to enter on the certificate facts different from those which existed at the time of the event.

"Correction form" means the standard correction form, "Affidavit and Certificate of Correction," prescribed by the State Registrar.

"Court of competent jurisdiction" means any Circuit Court in Illinois, any United States District Court, any equivalent court in any state or United States territory, any tribal court of any of the Indian Nations located within the United States, and any appellate level court in the United States. "Court of competent jurisdiction" does not include any administrative body or tribunal without general trial jurisdiction.

"Custodian" means the State Registrar of Vital Records, local registrars, or county clerks.

"Delayed birth registration" means the registration of any birth that was not registered within three 3 days after the event, and includes:

the registration of a birth that occurred more than three 3 days; but less than one year prior to the application for registration;

the registration of a birth that occurred more than one year; but less than seven 7 years prior to the application for registration; and

the registration of a birth that occurred more than seven 7-years prior to the application for registration.

"Department" means the Illinois Department of Public Health.

"Final disposition" means the burial, cremation, or other disposition of a dead human body, fetus, or parts of a dead human body or fetus, including depositing in a vault or tomb, removal from the State, or use by a hospital or other institution for medical or scientific study in accordance with the Cadaver Act [410 ILCS 510] and Section 8 of the Uniform Anatomical Gift Act [755 ILCS 50/8].

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"Funeral director or person acting as a funeral director ~~such~~" means a person licensed in the State of Illinois to practice funeral directing, or a person acting under the direction or supervision of an Illinois licensed funeral director as an employee or an associate of the funeral director.

"Legal representative" refers to:

an attorney acting on behalf of a person or persons ~~person(s)~~ named on a birth certificate;

an agent authorized by power of attorney;

a court-appointed personal representative;

an agent with written, notarized authorization from a person or persons ~~person(s)~~ named on a birth certificate for the purpose of obtaining a certified copy for that person; or

any other agent, approved by the State Registrar as a legal representative of the person to whom the birth certificate relates.

"Major correction" includes, but is not limited to, any administrative correction made more than one year after the date of the occurrence, or an administrative correction made within one year after ~~of~~ the date of the occurrence relating to these items (except as provided in Section 500.40(f)(3)(D) of this Part):

significant changes in the surname of the registered person;

on births, changes in the date or place of the occurrence; the parent's or parents' age or ages ~~parent(s) age(s)~~, if changed more than 2 years;

changes in the cause of death;

the identity of the parent or parents ~~parent(s)~~ on the birth certificate; changes in marital status; or

the birth date ~~birthdate~~ and/or age of the decedent on a death certificate; or, other like circumstances.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Any other item corrected within one year after ~~of~~ the occurrence is considered a "minor correction."

"Minor correction" means any administrative correction made within one year of the occurrence not meeting the criteria of a major correction.

"Personal services contract" means a contract between a unit of the State or local government body and an individual or a firm for the provision of services to the unit of the State or local government.

"State Registrar" means the State Registrar of Vital Records.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 500.50 Transportation and Disposition of Dead Human Body

- a) A local registrar may issue a Permit for Disposition of Dead Human Body authorizing a hospital to incinerate a dead fetus (a product of gestation of 20 or more weeks) or the body of an infant who dies immediately after birth and prior to release from the hospital. This permit may be issued only to a funeral director or person acting as a funeral director ~~such~~ and only upon the presentation of a completed Certificate of Death (infant death) or Fetal Death.
- b) A local registrar may issue a Permit for Disposition of Dead Human Body authorizing the parents of a dead fetus or deceased infant to bury the body in a private burial plot, if ~~so~~ requested by a funeral director or person acting as a funeral director ~~such~~. This permit may be issued only to the ~~such~~ funeral director and only upon the presentation of a completed Certificate of Death or Fetal Death.
- c) A Permit for Disposition of a Dead Human Body authorizing disinterment is required prior to the disinterment of a dead human body or fetus. The same permit may also authorize transportation of the body by common carrier, if desired. The ~~Such~~ Permit ~~shall is to~~ be issued by the local registrar of the District in which the disinterment is to be made and shall be issued only to a funeral director or person acting as a funeral director ~~such~~. The application permit (VR207) shall be signed by the next of kin (if known). If the next of kin is unknown, the VR207 permit shall be signed by the party contracting with the

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

funeral director for the disinterment. Investigations conducted by the coroner, medical examiner, state's attorney or any other related law enforcement official do not require the signature ~~and/or~~ approval from the next of kin, and the VR207 should be signed by the appropriate official, or by order of a court. ~~If In the event~~ several bodies (or an entire cemetery ~~is)~~ are to be disinterred, the local registrar may issue to a funeral director a single Permit for Disposition of Dead Human Body, to which a complete list, (insofar as possible,) of the identity of all the bodies is to be attached. ~~The In any case,~~ the Permit for Disposition of Dead Human Body authorizing disinterment shall ~~must~~ also show the final disposition of the body or bodies.

- 1) Disinterred human remains shall ~~may~~ not be transported within the State unless accompanied by a Permit for Disposition of Dead Human Body. The transportation of disinterred remains by common carrier or by private conveyance is subject to the same requirements in subsections (e)(1)-(5) ~~rules~~ as for any dead human body. However, the remains of repatriated U.S. war dead may be transported within Illinois on the basis of the burial-transit permit issued at the point of origin. This permit shall ~~must~~ be exchanged for an Illinois Permit for Disposition of Dead Human Body prior to interment or cremation in Illinois (see subsection ~~Section~~ 500.50(d)(6)).
- 2) Disinterred human remains shall ~~may~~ not be reinterred within the State except as authorized ~~upon explicit authorization to do so as evidenced by a~~ Permit for Disposition of Dead Human Body.

d) Disposition of Dead Human Body

- 1) ~~A No~~ dead human body shall not ~~may~~ be interred in a grave, vault, or tomb, ~~except as authorized by on authorization to do so on the basis of a~~ Permit for Disposition of Dead Human Body issued by the local registrar of the District in which the death occurred, if the death occurred in Cook County. If the death occurred in a county other than Cook County, the permit may be issued by the funeral director, except when the death was subject to investigation by the coroner, in which case the permit must be signed by the local registrar of the district where the death occurred. ~~A No~~ dead human body shall not ~~may~~ be surrendered to a physician, surgeon,

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

medical college or school or other institution or school of mortuary science and later cremated, except ~~as authorized by~~ on authorization to do so on the basis of a Permit for Disposition of Dead Human Body issued by the local registrar of the district in which the death occurred. This permit shall be issued to an Illinois licensed funeral director or person acting as a funeral director ~~such~~, upon presentation of a completed Certificate of Death or Fetal Death.

- 2) ~~A~~ No dead human body whose death was subject to the coroner's or medical examiner's investigation ~~shall not~~ may be disposed of ~~(in Cook County)~~ except ~~as authorized by~~ on authorization to do so on the basis of a Permit for Disposition of Dead Human Body issued by the local registrar of the district in which the death occurred or, ~~(in counties other than Cook)~~, the signing of Part II of the Report of Death by the local registrar of the district in which the death occurred. If disposition of any dead human remains is by cremation, the local registrar shall not issue a ~~no~~ permit ~~may be issued by the local registrar~~, unless presented with a duly executed Coroner's or Medical Examiner's Permit to Cremate a Dead Human Body.
- 3) No Permit for Disposition of Dead Human Body is required for the disposition of ashes from cremation, unless the ashes are to be buried in a cemetery. In that case, any local registrar or any funeral director may issue the permit.
- 4) No Permit for Disposition of Dead Human Body is required for the disposal of a part of a living human body, such as an amputated arm or leg, except when the part is to be interred in a cemetery. In that case, upon being requested to do so, the local registrar of the registration district where the cemetery is located shall ~~will~~ issue a Permit for Disposition of Dead Human Body. The ~~Said~~ permit shall be issued upon receipt of a letter from the institution that performed the amputation or is in custody of the amputated part or parts ~~(s)~~.
- 5) A dead fetus resulting from a fetal death is considered to be a dead human body, and its transportation and disposition are subject to this Part. However, if the dead fetus was delivered before the 20th ~~twentieth~~ week of

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~gestation pregnancy~~, a Permit for Disposition of Dead Human Body is not required unless interment of the remains is to be made in a cemetery. In ~~that case such cases~~, if the fetal death ~~occurred in Cook County, the local registrar will issue a permit upon presentation of a completed Certificate of Fetal Death. If the fetal death occurred in a county other than Cook County, and~~ was not subject to a the coroner's investigation, any funeral director can issue the permit. If the fetal death was subject to a coroner's investigation, the local registrar of the district where death occurred shall sign the permit.

- 6) A permit for a group burial or group cremation (when the manner of death is "Natural") for fetuses under 20 weeks gestation may be issued without the completion and filing of a fetal death certificate.
- A) In the case of group burial, when the fetal death is under 20 weeks gestation and not subject to coroner/medical examiner's jurisdiction, a burial/transit permit can be issued by any Illinois licensed funeral director or person acting as a funeral director without a fetal death certificate.
- B) In the case of group cremation, when the fetal death is under 20 weeks gestation and not subject to coroner/medical examiner's jurisdiction, hospital personnel will provide copies of the signed Fetal Death Disposition-Notification Form for each fetus to an Illinois licensed funeral director or person acting as a funeral director, to be presented to the coroner/medical examiner in the county where the fetal death occurred. The coroner/medical examiner will issue one cremation permit for all fetuses or individual cremation permits for each fetus in the group cremation. Upon receipt of the authorized cremation permit or permits, any Illinois licensed funeral director or person acting as a funeral director will then issue the Permit for Disposition of Dead Human Body (VR 205). The funeral director or person acting as the funeral director will provide the VR 205 and the authorized cremation permit to the local registrar in the registration district where the fetal death occurred. The local registrar shall sign the Permit for Disposition of Dead Human Body (VR 205).

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- C) In any case that the coroner/medical examiner deems necessary to investigate and to certify the cause of death, a fetal death certificate shall be completed and filed irrespective of the fetus's weeks of gestation.
- 76) A permit for Disposition of Dead Human Body authorizing the disposition of the remains of the repatriated U.S. war dead shall be issued to the receiving funeral director by the local registrar of the district in which the body is to be interred or cremated. This Permit for Disposition of Dead Human body shall be issued in exchange for the burial-transit papers accompanying the body.
- e) Transportation of Dead Human Body
- 1) No ~~When a death occurs in Cook County, no~~ dead human body from Cook County may be transported within the State of Illinois except as authorized by upon explicit authorization to do so on the basis of a Permit for Disposition of Dead Human Body issued by the appropriate local or sub-registrar ~~subregistrar~~ of vital records, to an Illinois licensed funeral director (or a person acting in his/her behalf). During the first 72 hours after death, the ~~such~~ funeral director may move a dead body that ~~which~~ is not subject to the Medical Examiner's investigation from the place of death to a mortuary in this State without first having obtained a Permit for Disposition of Dead Human body.
 - 2) When a death occurs outside of Cook County, no dead human body may be transported within the State of Illinois until a Report of Death has been filed with the local registrar of the district where the death occurred. During the first 24 hours after death, the funeral director or person acting as a funeral director ~~such~~ may move a dead body that ~~which~~ is not subject to a coroner's investigation from the place of death to a mortuary in the State ~~state~~. In this case ~~such cases~~, the Report of Death shall be mailed or otherwise filed within 24 hours after ~~of~~ death.
 - 3) No dead human body may be transported into the State of Illinois, unless it is accompanied by a burial-transit permit properly issued in accordance with the laws of the state from which ~~whence~~ the body was transported,

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

showing that all precautions required by the State of Illinois have been observed. ~~The Such~~ burial-transit permit is sufficient authority also for interment or cremation of the body in Illinois, provided ~~that the said~~ permit specifies the place and ~~or~~ type of disposition, except in municipalities where local ordinance requires the issuance of a local permit prior to disposition, and except for repatriated U.S. war dead (see Section 500.50(d)(6)).

- 4) No dead human body shall be transported by common carrier in Illinois, unless accompanied by a Permit for Disposition of Dead Human Body issued by a local registrar of this State. In the ~~or, in~~ case of a body shipped from another state, the body shall be accompanied by a transit or burial-transit permit issued in accordance with the laws of the state from which ~~whence~~ the body is shipped.
- 5) No dead human body shall be transported from Illinois to a point outside this State, unless the body has been prepared in accordance ~~conformity~~ with the laws and regulations of the states through which and to which ~~such~~ transportation is made.
- 6) Presumptive records of death prepared upon the order of a court of competent jurisdiction shall show, as the date of death, the date the order was entered by the court, unless otherwise specified in the order.
- f) Upon the death of a person who had or is suspected of having an infectious or communicable disease or who was known to be a carrier or known to be sub-clinically ~~subclinically~~ infected with a disease that could be transmitted through contact with the person's body or bodily fluids, the body shall be labeled "Infectious Hazard," or with an equivalent term to inform persons having subsequent contact with the body, including any funeral director or embalmer, ~~to take suitable precautions.~~
- 1) The label shall be prominently displayed on and affixed to the outer wrapping or covering of the body if the body is wrapped or covered in any manner.
- 2) Responsibility for ~~such~~ labeling shall lie with the attending physician or

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

coroner who certifies death, or if the death occurs in a health care facility, with the ~~such~~ staff member as ~~may be~~ designated by the administrator of the facility.

- 3) ~~Suitable precautions consist of following the guidelines of the Centers for Disease Control (CDC) "Recommendations for Prevention of HIV Transmission in Health Care Settings." (See 77 Ill. Adm. Code 690.1010(a)(2))~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)