

# Vital Records and Local Health Directors' Roles as Registrars

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*The information provided in this presentation is for educational purposes only and does not constitute legal advice or establish an attorney-client relationship.*

# Overview

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1. Introduction to vital records
2. Key players in North Carolina's vital records systems
3. Births and deaths: filing and registration
4. Disinterment, reinterment, and burial transit permits
5. Common issues: medical certification for death certificate, green burials
6. Noncompliance and penalties for violations

# What Are Vital Records?

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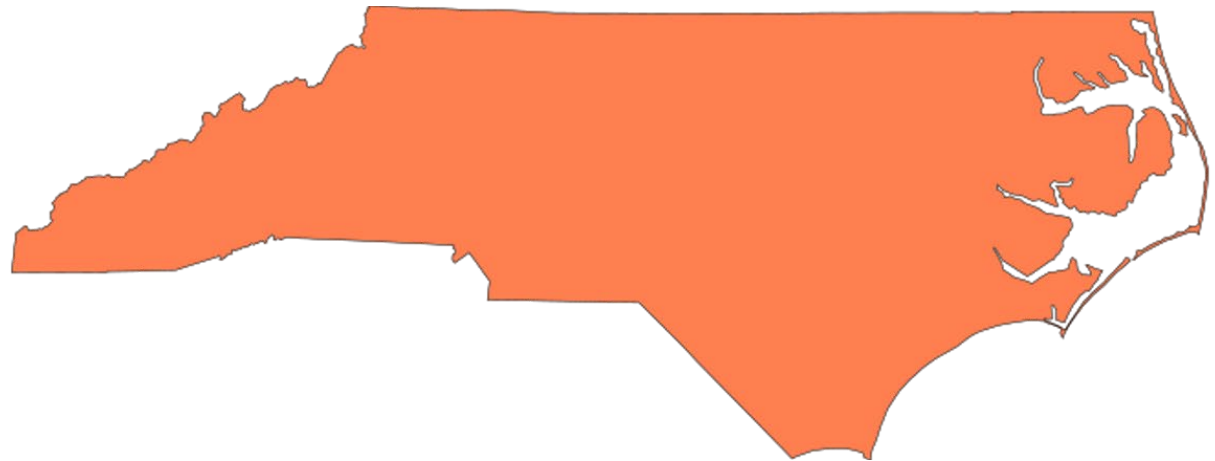
- Vital records are legal documents memorializing a:
  - Birth
  - Death
  - Fetal death
  - Marriage
  - Divorce
- Vital records are a critical component of public health surveillance
  - Can also be helpful for research, fraud prevention, and more
- All 50 states, as well as 2 cities (DC and New York) and 5 territories, maintain vital records for their populations
  - All 57 jurisdictions share certain vital records information with the National Center for Health Statistics within the CDC



# North Carolina's Vital Records System

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- NC began its statewide vital records system in 1913
- Applicable law: **G.S. 130A, Art. 4** and **10A NCAC 41H** (general), **G.S. 130A-26.4** (violations)
- Key players in the NC system include:
  - State Registrar (SR)
  - Local registrars
  - Deputy local registrars
  - Sub-registrars
  - Registers of deeds (RODs)
  - Clerks of Superior Court



# State Registrar (SR)

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- Appointed by the NCDHHS Secretary
- Duties are set out in **G.S. 130A-92** and include:
  - Secure and maintain all vital records as required by law and do “all things necessary” to carry out G.S. 130A, Art. 4
  - Examine vital records received from local registrars, ensure that the records are complete and satisfactory
  - Permanently preserve information from vital records and maintain an index of vital records
  - Prepare and supply or approve all vital records forms
  - Appoint local registrars and exercise supervisory authority over local, deputy, and sub-registrars
  - Enforce G.S. 130A, Art. 4, investigate irregularities/violations, and report violations to law enforcement
  - Conduct studies/research and recommend legislation to the NCGA that is needed to carry out G.S. 130A, Art. 4
  - Adopt rules necessary to carry out G.S. 130A, Art. 4
- Highlight on a few unique powers:
  - Rulemaking authority (think: similar to NC Commission for Public Health)
  - Only SR can authorize release of an original birth certificate in situations where an adoption occurred



# Local Registrars

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- Per **G.S. 130A-94**, the local health director shall serve as the local registrar for each county within the local health department's jurisdiction
  - "Appointment" of the local registrar occurs automatically upon hiring as local health director
  - **G.S. 130A-96**: local registrar shall "immediately upon appointment" appoint a deputy registrar
- Duties are set out in **G.S. 130A-97** and include:
  - Administer and enforce G.S. 130A, Art. 4 and related rules; "immediately" report violations to SR
  - Furnish forms provided by SR to people who need them
  - Examine certificates to determine if they are complete and contain required information
  - Enter the date when a certificate is received and sign as local registrar
  - Send registered certificates to the RODs within 7 days of receiving the certificate
  - Send original certificates to the SR
  - Maintain records, make reports, and perform other duties required by the SR

# Deputy Registrar

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Required role- state law mandates that each local registrar have a deputy

- Appointed by the local registrar; designation of deputy must be made in writing
- **G.S. 130A-96**: deputy's duty is to "assist the local registrar and act as local registrar in case of absence, illness, disability or removal of the local registrar"
- Subject to the same statutes and rules governing local registrars
- Works under the control and supervision of the local registrar
  - Because deputies are subject to the same laws as local registrars, they are technically under the control and supervision of the SR, too
  - NCDHHS, Division of Public Health offers a training for new deputies
- Can be removed for cause
  - Cause for removal is set out at **10A NCAC 41H .0202(a)** and includes failure to carry out the law relating to vital records

# Sub-Registrars

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- Optional role- local registrar may, *when necessary and with approval of the SR*, appoint sub-registrar(s)
- **G.S. 130A-96**: sub-registrars are authorized to receive certificates and issue burial-transit permits
- SR controls and supervises sub-registrars
- Can be removed for cause (see **10A NCAC 41H .0202**, which also applies to deputies)



Local Registrar  
(local health director)



Deputy Registrar



Sub-Registrars  
(appointed when necessary- can have more than one)



# Changes to Local, Deputy, or Sub-Registrar

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**Important reminder:** notify the state (NCDHHS, Division of Public Health) whenever your local, deputy, or sub-registrars change

- Annual opportunity to notify the state of changes via consolidated agreement (CA)
- Other “off-season” changes should be reported to the state promptly- don’t wait until next opportunity to sign the CA
- Helps ensure that correct signature is being used to electronically sign certificates and manage users’ access to electronic vital records systems



# RODs and Clerks of Superior Court

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Different powers and duties, but have a few things in common:

- Not part of the local health department- located in other parts of county government
- Both are elected officials and serve 4-year terms
- Both typically have assistant and deputy RODs/clerks

## RODs

- Duties (as they relate to vital records) include receiving, preserving, and making available copies of birth, death, and marriage certificates; reports marriages to the SR
- Receive applications, review evidence, and complete Delayed Certificate of Birth for review by SR

## Clerks of Superior Court

- Duties (as they relate to vital records) include sending certificates of divorce/annulment and reporting facts related to judicial determinations of paternity to the SR
- Receive petitions and hold hearings related to establishing the fact of birth (when there is no birth certificate) and certificates of identification for persons of unknown parentage or foreign birth

# Births: Filing and Registration

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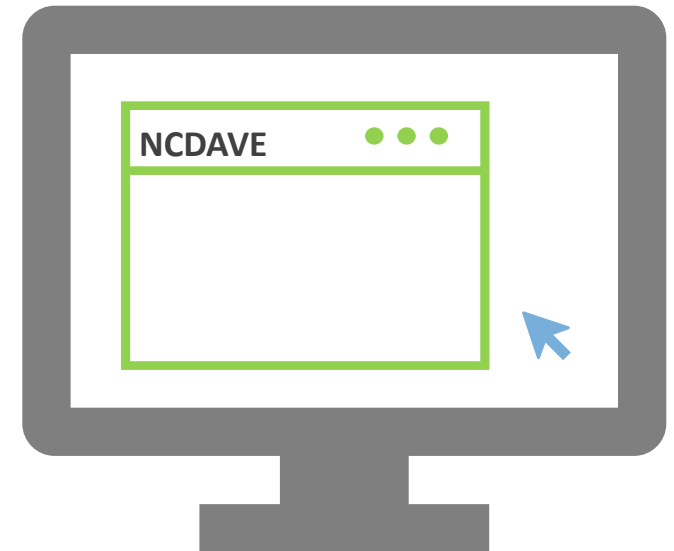
- A certificate of birth is required for every live birth in NC
- Certificate is filed in the county where the birth occurs
  - If child is born on a “moving conveyance” (e.g., a train) then the county of birth is where the child is first removed from the conveyance
- Certificate must be filed with the local registrar within 10 days of the birth
- **Birth in a hospital/medical facility:** birth certificate is prepared and filed by the person in charge of the hospital/facility and medical information required for certificate is provided by the physician or person who attended the birth
- **Birth outside a hospital/medical facility:** certificate is prepared and filed by the following (in order of priority):
  - Physician in attendance at or immediately after the birth
  - Any other person in attendance at or immediately after the birth
  - The child’s father or mother, or the person in charge of the premises where the birth occurred



# Deaths: Filing and Registration

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- A certificate of death is required for every death occurring in NC
- Certificate is filed in the county where the death occurs
  - If death occurs on a moving conveyance (e.g., a train), certificate is filed in the county where the body is first removed from the conveyance
  - If place of death is unknown, then certificate is filed in the county where the deceased's body was found
- Certificate must be filed with the local registrar within 5 days of when the death occurred
- **New:** per **G.S. 130A-115(g)-(h)**, death certificates must be filed electronically using NCDAVE
  - Applies to completion of the medical certification
  - Failure to comply with this requirement can result in administrative penalties
  - \$250 for 1<sup>st</sup> violation; \$500 for 2<sup>nd</sup> violation; \$1,000 for 3<sup>rd</sup> and subsequent violations

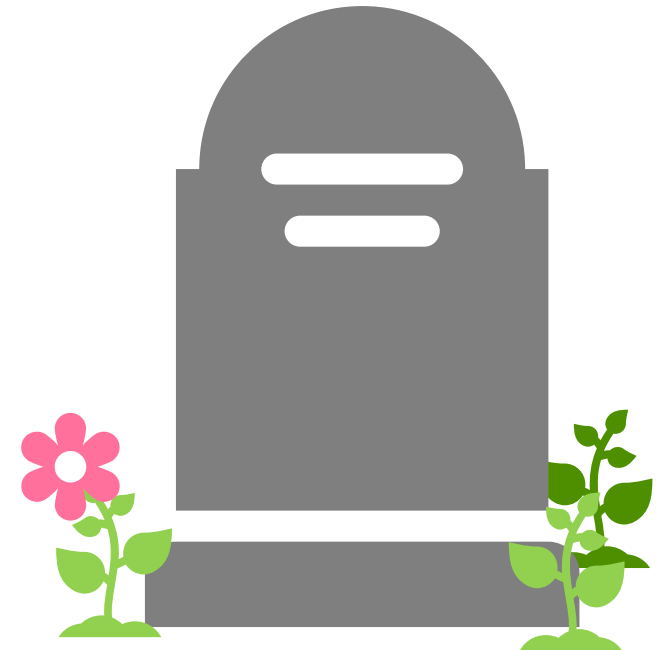


# Disinterment, Reinterment, and Burial Transit Permits

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Local registrar must issue a permit in advance authorizing:

- Disinterment/reinterment (unless the disinterment/reinterment is otherwise authorized by law)
  - Can only issue a disinterment/reinterment permit upon receipt of:
    - a written authorization signed by the decedent's living spouse;
    - written authorization signed by next-of-kin and the person who will perform the disinterment; or
    - a court order
- Burial-transit (removal of a body to outside of NC)
  - Can only issue a burial-transit permit if the death is not under medical examiner (ME) jurisdiction
  - Requirements of **G.S. 130A-112** must be met before permit is issued- statute requires that the funeral director who assumes custody of a body notifies the local registrar of the death. Notification must identify the physician responsible for the medical certification or indicate that the ME had jurisdiction, if applicable.



# Common Issues: Completion of the Medical Certification for a Death Certificate

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NC law **requires** that the medical certification be completed before the death certificate is filed

- **10A NCAC 41H .0502:** “... no certificate shall be filed without proper medical certification and signature of attending physician or medical examiner.”
- **G.S. 130A-115(b):** “The funeral director or person acting as such is responsible for obtaining the medical certification of cause of death [...]”
- **G.S. 130A-115(c):** A death certificate describing cause of death in indefinite terms/listing only symptoms shall be returned for correction and more definite statement
- **G.S. 130A-115(d):** Medical certification shall be completed no more than 3 days after the death
  - In certain cases, the cause of death may be designated as unknown pending autopsy or upon some other “reasonable cause” for delay



# Common Issues: Completion of the Medical Certification for a Death Certificate, cont.

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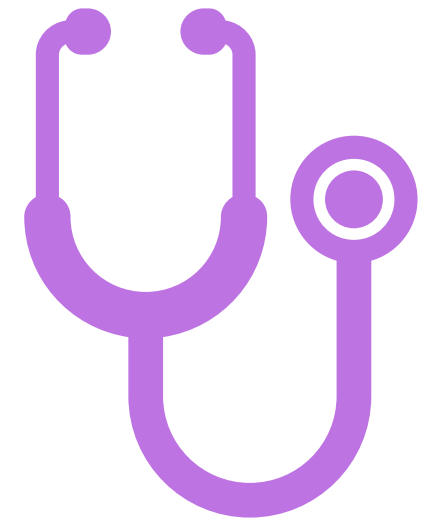
Who is responsible for the completing the medical certification?

- **Medical examiner**, if the death falls under the circumstances described in **G.S. 130A-383**, including:
  - Death occurring suddenly when deceased was in apparent good health or when unattended by a physician
- **Physician** in charge of the patient's care for the illness or condition that resulted in the death, or another person authorized under G.S. 130A-115(c) and 10A NCAC 41H .0503 as follows:
  1. Absent the physician or with the physician's approval, the certification can be completed and signed by an associate physician, physician assistant, nurse practitioner, chief medical officer for the hospital/facility where the death occurred, or physician who performed the autopsy *if*:
    - The person completing/signing the certification has access to the deceased's medical history, has viewed the deceased at/after death, and death is due to natural causes.
  2. Absent the physician in charge of the patient's care for the illness or condition that resulted in death and absent someone in (1) above, the certification can be completed and signed "by any other physician, physician assistant, or nurse practitioner who undertakes reasonable efforts to ascertain the events surrounding the patient's death."

# Common Issues: Completion of the Medical Certification for a Death Certificate, cont.

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- The challenge: hesitancy to complete and sign the medical certification
  - May occur because provider has not seen the patient in a long time or is uncomfortable defining cause of death
  - Consequences can include delay in death registration, delay in relief for families, and delay in families being able to close out legal processes, insurance policies, etc.
- Liability protections for providers who complete certifications
  - **G.S. 130A-115(c1)**: Grants liability from civil damages for acts and omissions related to the medical certification if the cause of death was “determined in good faith using the individual’s best clinical judgment and consistent with guidance provided by the applicable licensing board [...]”
  - **G.S. 130A-115(f)**: Grants immunity from civil liability or professional discipline if death certificate is completed in good faith and without fraud or malice





# Common Issues: Completion of the Medical Certification for a Death Certificate, cont.

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- North Carolina Medical Board (NCMB) Position Statement #6.1.4
  - “The Board recognizes that clinicians may not be comfortable with uncertainty, however, a clinician should not decline to sign a death certificate simply because the exact anatomic or physiologic cause of death is uncertain. Less than 10% of deaths result in an autopsy. Clinicians are not expected or required to establish beyond a doubt the specific cause of death but should exercise their best judgment under the circumstances using available information.”
- NCMB guidance (updated October 2022)
  - Death certificate “is a legal and not a scientific document”
  - “[T]he NCMB encourages clinicians to undertake completion of death certificates for patients (current, recent, or remote) [...] as a professional, ethical, civic, and public health responsibility. Failure or refusal to complete a death certificate, when the licensee clearly has a responsibility to do so, could lead the NCMB to consider disciplinary action.”

# Common Issues: Green Burials

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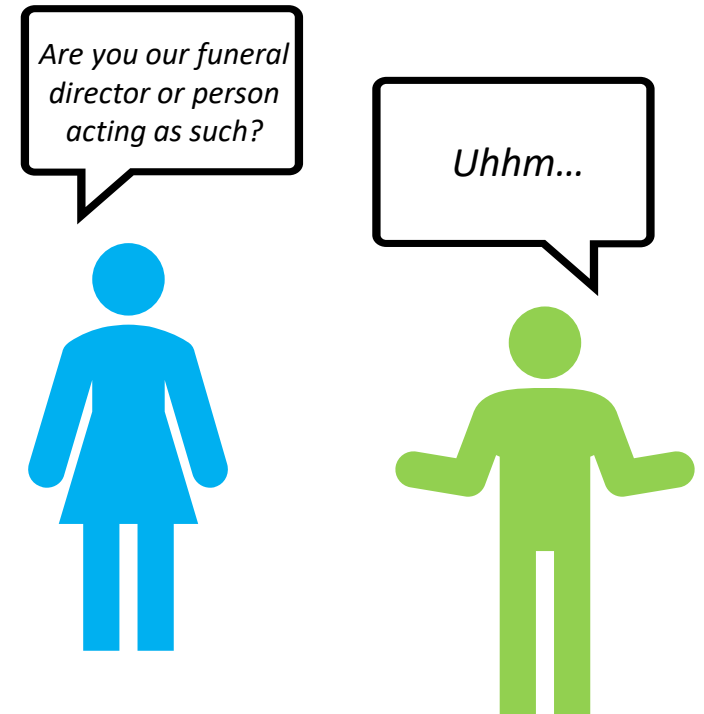
- What is a green burial?
  - Lots of variation in practices, but typically involves burial of a deceased person without using a coffin, vault, embalming, etc.
  - For some, green burials reflect an interest in reducing impact on the environment; for others, “green burial” is part of longstanding burial practices within the community
- Green burials appear to be increasing in popularity
  - A 2022 survey conducted by the National Funeral Directors Association found that 60.5% of respondents expressed interest in green burial



# Common Issues: Green Burials, cont.

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- The challenge: green burials may not involve a funeral director/funeral home
  - Funeral directors have specific duties under NC law and in the death registration process
  - **G.S. 130A-115:** the funeral director or “person acting as such” is responsible for obtaining personal data and medical certification for the death certificate and filing the death certificate with the local registrar
  - “Person acting as such” likely means a funeral home employee working under the control and supervision of a funeral director
  - If there is no funeral director/funeral home involvement, then who does this work?
  - Local registrars can connect with NCDHHS, Division of Public Health for help navigating these situations



# Noncompliance and Violations

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**G.S. 130A-26.4** makes certain violations of G.S. 130A, Art. 4 criminal offenses

- 5 acts that constitute a Class 1 misdemeanor; 10 acts that constitute a Class I felony
- Generally, offenses relate to fraud, refusal or failure to perform a duty under G.S. 130A, Art. 4, possessing, manufacturing, altering a certificate or record without authorization, charging fees for work required under G.S. 130A, Art. 4 that are not specifically authorized by law

As previously mentioned:

- **G.S. 130A-115(g)-(h)**: administrative penalties for refusal/failure to use NCDAVE for death certificates
- **G.S. 130A-96** and **10A NCAC 41H .0202**: removal of local, deputy, or sub-registrar for cause



# References and Additional Resources

## North Carolina Statutes + Rules: Vital Records

- G.S. 130A-26.4 (violations): [https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_130A/GS\\_130A-26.4.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_130A/GS_130A-26.4.pdf)
- G.S. 130A, Art. 4 (vital records, generally): [https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter\\_130A/Article\\_4.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_130A/Article_4.pdf)
- G.S. 130-383 (medical examiner jurisdiction): [https://www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter\\_130a/gs\\_130a-383.html](https://www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_130a/gs_130a-383.html)
- 10A NCAC 41H (vital records, generally): <http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2041%20-%20epidemiology%20health/subchapter%20h/subchapter%20h%20rules.pdf>

## North Carolina Statutes: Registers of Deeds

- G.S. 161: [https://www.ncleg.gov/enactedlegislation/statutes/html/bychapter/chapter\\_161.html](https://www.ncleg.gov/enactedlegislation/statutes/html/bychapter/chapter_161.html)

## North Carolina Statutes: Clerks of Superior Court

- G.S. 7A, Art. 12: [https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter\\_7A/Article\\_12.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_7A/Article_12.pdf)

## North Carolina Medical Board

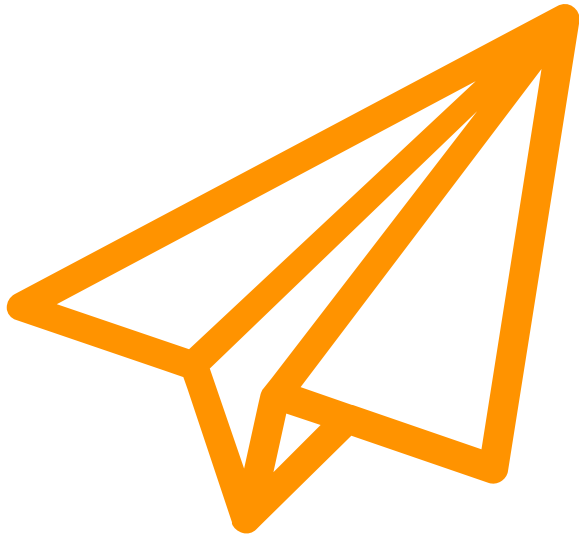
- Position Statement 6.1.4: <https://www.ncmedboard.org/resources-information/professional-resources/laws-rules-position-statements/position-statements/clinician-obligation-to-complete-a-certificate-of-death>
- Guidance on Death Certificates (October 2022): [https://www.ncmedboard.org/images/uploads/article\\_images/Updated\\_Death\\_certificate\\_Q\\_and\\_A\\_article\\_FINAL.pdf](https://www.ncmedboard.org/images/uploads/article_images/Updated_Death_certificate_Q_and_A_article_FINAL.pdf)

## National Funeral Directors Association

- Statistics from 2022 Consumer Awareness and Preferences Report: <https://nfda.org/news/statistics>

# Questions?

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Thank you for your time.

If you have questions at a later date, please send me an email at [Kirsten@sog.unc.edu](mailto:Kirsten@sog.unc.edu).