Title 15: Mississippi Department of Health

Part 5: Office of Health Informatics

Subpart 85: Public Health Statistics

Chapter 1. Rules Governing the Registration and Certification of Vital Events

Subchapter 1. Introduction

Rule 1.1.1. This filing is a compilation of the procedures established for the orderly and timely registration of vital events in the state of Mississippi. These procedures are based on the Mississippi Code of 1972, Annotated, and the rules adopted by the Mississippi Board of Health and filed with the Secretary of State in compliance with the Administrative Procedures Act.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-3-15; Miss. Code Ann. §41-3-17

Rule 1.1.2. Mississippi Code sections are cited for easy reference by readers who wish to consult the related statutes. Cited sections are as of filing, any future changes, additions or deletions in the Code take precedence over the filed rules and regulations.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 2. General Provisions

Rule 1.2.1. Statutory Authority: State statute mandates that a bureau of vital statistics be established by the Board of Health for the registration and preservation of vital events and statistics, and for the enforcement of such laws, rules, regulations, and orders.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 1.2.2. Rulemaking Authority: The Board of Health has the authority to make reasonable rules and regulations to carry out its duties and the objectives of its creation.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-3-15; Miss. Code Ann. §41-3-17

Subchapter 3.

Rule 1.3.1. Definitions:

1. "**Abortion**" means the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman known to

be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth or to remove a dead fetus.

2. "**Agency**," in the contexts of an adoption, means a county welfare department, a licensed or non-licensed adoption agency or any other legally authorized individual or entity assisting in the finalization of an adoption.

3. "**Certificate of Birth Resulting in Stillbirth**" means a birth certificate issued to record and memorialize the birth of a stillborn child. This document shall include the statement "This certificate is not proof of live birth".

4. "**County Medical Examiner**" means a licensed physician who is a coroner or a deputy coroner trained to investigate and certify deaths affecting the public interest.

5. "**County Medical Examiner Investigator**" means a non-physician coroner or deputy coroner trained to investigate and certify deaths affecting the public interest.

6. "**Death**" means when an individual has sustained either an irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the entire brain, including the brain stem. A determination of death must be made in accordance with accepted medical standards.

7. "**Dead Body**" means a human body or parts of such human body, the condition of which may reasonably lead to the conclusion that death has occurred.

8. "**Embalming**" means the disinfection of the dead human body by replacing certain body fluids with preserving and disinfecting chemicals.

9. "**Father**" means the male to whom the 'mother' was married at the time of conception or birth or at any time between conception and birth or, in the absence of marriage, the male who has acknowledged or been identified by court order under the appropriate statutes of the Mississippi Code of 1972, Annotated, as being the father of the fetus or child.

10. "**Fetal Death**" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles.

11. "**Filing**" means the presentation and acceptance of a vital record for registration by the Office of Vital Records.

12. "**Final Disposition**" means the burial, interment, cremation, removal from the state or other authorized disposition of a dead body or fetus.

13. "**Health Care Provider**" means a licensed person or organization that provides health care services.

14. "**Induced Termination of Pregnancy**" means the intentional termination of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus.

15. "**Informant**" means the person or organization who is listed on the vital record as the informant who provides information for the registration of said vital record.

16. "**Institution**" means any establishment, public or private, which provides in-patient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care to four or more unrelated individuals, or to which persons are committed by law.

17. "**Legal Representative**" means attorney, physician, funeral director, or other authorized agent acting on behalf of the registrant or his or her family.

18. "**Licensed Adoption Agency**" means any agency or organization performing adoption services duly licensed by the Mississippi Department of Human Services, Division of Family and Children's Services.

19. "**Live Birth**" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

20. "**Medical Examiner**" means the state Medical Examiner, county medical examiners and county medical examiner investors collectively, unless otherwise specified.

21. "**Medical Treatment**" means the management and care of a patient to combat disease or disorder and includes, but is not limited to, hospitalization, laboratory tests, surgery or prescription drugs.

22. "**Mother**" means the female from whom a live birth or fetal death was expulsed or extracted, and to whom the umbilical cord and placenta were attached, or whom a court order specifies as the mother of the fetus or child.

23. "**Physician**" means a person authorized or licensed under the laws of the state to practice medicine or osteopathy.

24. "**Registration**" means the acceptance by the Office of Vital Records and the incorporation of a vital record into its official records.

25. "**Reporting**" means the submission of information relating to a vital event to the Office of Vital Records for medical, health, statistical, or administrative uses, but not for incorporation into its permanent official records.

26. "**State Medical Examiner**" means the physician, board certified in forensic pathology, appointed by the Commissioner of Public Safety to investigate and certify deaths which affect the public interest.

27. "**Stillbirth**" or "**Stillborn**" means an unintended, intrauterine fetal death occurring in this state after a gestational age of not less than twenty (20) completed weeks, or a weight of 350 grams or more. Stillbirths are required to be reported as Fetal Deaths.

28. "**System of Vital Statistics**" includes the collection, registration, preservation, amendment, and certification of vital records; the collection of other required reports on vital events; and activities related thereto, including the tabulation, analysis, and publication of vital statistics.

29. "**Verifiable Midwife**" means a 'lay' or 'granny' midwife whose identity and initial delivery has been documented by an authorized representative of the State Registrar of Vital Records, or a midwife that has been certified by a state or nationally recognized organization.

30. "**Vital Events**" means the occurrences of live births, deaths, fetal deaths, induced termination of pregnancy, adoptions, marriages, divorces and annulments.

31. "**Vital Records**" means certificates or reports of the following categories of vital events; births, deaths, marriages, divorces and annulments and data related thereto.

32. "**Vital Statistics**" means the data derived from certificates and reports of all categories of vital events and related reports.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 4. State Registrar

Rule 1.4.1. In accordance with classification standards of education and experience a State Registrar of Vital Records shall be appointed by the Secretary of the Board of Health. The State Registrar shall be provided with such clerical and other assistance as needed to perform the duties of the position and shall be provided with suitable office space and fireproof vaults and filing cases for the permanent and safe preservation of all records.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-3; Miss. Code Ann. §41-57-43; Miss Code Ann. §41-57-48; Miss. Code Ann. §93-5-33

Rule 1.4.2. The State Registrar shall register and maintain reports of marriage prepared and filed by the clerk of the circuit court of each county, and reports of divorce prepared and filed by each clerk of the chancery court of each county. The clerk of the circuit court is the legal custodian of marriage licenses and certificates of marriage, and the clerk of the chancery court is the legal custodian of divorce decrees.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-43; Miss Code Ann. §41-57-48

Rule 1.4.3. Authority of the state registrar: The State Registrar under the direction of the Board of Health shall execute and enforce the provisions of the laws and the rules and regulations and supervise registrars, to the end that all of the requirements shall be uniformly complied with. The State Registrar, personally or by authorized representative, shall have authority to investigate cases of irregularity or violation of regulation or law. When necessary, cases of violation of any of the provisions of the laws and regulations shall be reported, with a statement of facts and circumstances, to the prosecuting attorney of the proper county.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-3; Miss. Code Ann. §41-57-7

Rule 1.4.4. The State Registrar shall have the authority to cross-reference birth and death certificates on file for the same individual by notating on the face information necessary to show relation of the two certificates.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 1.4.5. Upon demand of the State Registrar in person, by mail, or through an authorized representative all physicians, coroners, midwives, administrators in institutions, informants, nurse midwives, or funeral directors, and all other persons having knowledge of the facts, shall furnish such information as they may possess regarding any live birth, death, fetal death, adoption, marriage, divorce, annulment or induced termination of pregnancy.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 1.4.6. The State Registrar shall have authority to participate with federal, state and local governmental and law enforcement agencies in investigations in which records or the information contained in a record is required.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-3-15(1)(c)(vi).

Subchapter 5. Legal Standing of Certificates of Registrar

Rule 1.5.1. Certificates of the State Registrar are the primary validation of any facts contained therein. Properly certified copies are to be taken and received as prima facie evidence of the facts stated therein in all Mississippi courts. Any questions

concerning the validity of certified copies should be addressed to the State Registrar.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann §41-57-9; Miss. Code Ann. §41-57-47

Subchapter 6. Penalties

Rule 1.6.1. Violation of any rule, regulation or order of the Board of Health relative to recording, reporting or filing information, the willful neglect or refusal to provide information, or the willful furnishing of false information is a misdemeanor and conviction carries a fine of not more than five hundred dollars ($500.00) or imprisonment in the county jail not exceeding six (6) months, or both.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann §41-57-27; Miss. Code Ann. §41-57-59

Subchapter 7. Venue

Rule 1.7.1. Venue of any court action in which the Board of Health is a defendant in Hinds County, Mississippi. Actions may be brought in any justice court of the state which has jurisdiction of the subject matter but lacks venue without dismissal because of lack of proper venue. However, at the request of the defendant the case can be transferred to the proper venue.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §11-11-15; Miss. Code Ann. §11-11-17

Subchapter 8. Registration Districts

Rule 1.8.1. Registration districts: The state is hereby defined and designated as the sole registration district to provide vital statistics

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-5

Rule 1.8.2. Appointment of local registrars: The State Registrar shall serve as the local registrar for all counties within the state. The State Registrar shall hire and authorize field representatives to assist in carrying out the rules and regulations promulgated under §41-57-7.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 1.8.3. Authority of authorized field representatives: Field representatives, authorized by the State Registrar, shall enforce, within the geographical areas assigned, the provisions of the laws and regulations under the supervision of the State Registrar. They shall make an immediate report to the State Registrar of any

violations coming to their notice by observation or upon complaint of any person, or otherwise.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 9. The Registration System

Rule 1.9.1. The Board of Health is empowered to develop a system for the registration and reporting of vital events. It may prescribe reporting forms and require any reports to be made on them. The State Registrar shall manage and enforce this system for vital events.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-48; Miss. Code Ann. §93-5-31; Miss. Code Ann. §93-5-33; Miss. Code Ann. §93-7-13

Rule 1.9.2. Forms, certificates and reports: All forms, certificates and reports used in the system of vital statistics are the property of the Board of Health and shall be surrendered to the State Registrar of Vital Statistics upon demand. The forms prescribed and distributed by the State Registrar for reporting vital events shall be used only for official purposes. No forms shall be used in the reporting of vital events or making copies thereof except those furnished or approved by the State Registrar. Copied forms shall not be used for reporting vital events. All forms shall be preprinted or printed from a vital event electronic system provided by the State Registrar on 25% cotton bond paper furnished or approved by the State Registrar.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 1.9.3. Acceptability of certificates for filing: The State Registrar, or designated representative, shall examine each certificate or report received. No certificate or report shall be determined to be complete and correct that does not supply all of the items of information specified, or satisfactorily account for their omission. Incomplete or unsatisfactory certificates or reports may be returned for replacement or further information may be requested to make the certificate or report complete and satisfactory.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 1.9.4. All certificates and reports relating to vital events must be typed, printed legibly in black unfading ink, or submitted through a State Registrar approved electronic system. All signatures required shall be entered in black unfading ink, or as electronic signatures registered with and approved by the State Registrar.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 1.9.5. The State Registrar shall require new and properly prepared paper certificates and reports for those which are unsatisfactory because they:

1. Are not prepared in black ink, the ink is not uniformly distributed over the characters, or where the print is un-reproducible using current scanning or copier techniques.

2. Do not print straight on the page when printed as paper forms from the electronic system approved by the State Registrar.

3. Contain improper alterations or erasures, or are torn or defaced.

4. Do not supply all items of information called for thereon or satisfactorily account for their omission.

5. Do not contain handwritten or approved electronic signatures as required, or are not signed by the statutory entity in the case of deaths in the public interest.

6. Are marked copy or duplicate, or are carbon copies.

7. Are prepared on improper forms, prepared on copied forms rather than forms supplied by the State Registrar, or are printed on paper which is not 25% cotton bond paper furnished or approved by the State Registrar.

8. Contain improper or inconsistent data.

9. Do not have the certifier's name typed or printed legibly.

10. Are not prepared in conformity with regulations or instructions issued by the State Registrar.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 1.9.6. Registration Payments

1. The county board of supervisors will pay the sum of one dollar ($1.00) for each certificate of birth or death occurring within the county, which is properly made out and filed with vital statistics. Additional funds, not to exceed fifty dollars ($50.00, may be appropriated by the board of supervisors of any county to be used in perfecting the registration of vital records.

2. No fee shall be paid under this statute unless the registrar supplies the tax assessor of each county and the centralized voter registration system of the Secretary of State with a list of deaths of county residents of voting age, not previously listed.

3. The Department of Health is authorized and empowered to deposit all moneys received as fees for vital records in the state treasury in a separate account to be used for the vital statistics system, and for clerical expenses and other expenses necessary for completion and issuance of vital records.

4. Upon certification by the Office of Vital Records to the board of supervisors, the circuit clerk of a county shall receive a recording fee of one dollar ($1.00) for each marriage record prepared and forwarded to the Office of Vital Records. The recording fee shall be paid to the circuit clerk out of the county treasury on order of the board of supervisors once each six (6) months.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-11(1); Miss. Code Ann. §41-57-13; Miss. Code Ann. §41-57-15; Miss. Code Ann. §41-57-57

Rule 1.9.7. Certification of registrar's fees: Registrar's fees shall be certified on the basis of receipt of completed certificates for registration. Certifications for a particular month shall be considered to be late if they are sent to the State Registrar after Wednesday following the second Monday of the succeeding month.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Chapter 2. Records Certification and Service Fees

Subchapter 1. Access to Records

Rule 2.1.1. Vital Records are not considered public access documents. Certified copies of records in the custody of the Department of Health may be obtained by persons having a legitimate and tangible interest in such records. In order to protect the confidentiality of documents, no public access is permitted to the storage vault or to any indexes and all requests from members of the public must be accompanied by the published fee. Suitable forms are provided for initiating any such requests. State issued picture identification or other forms of identification acceptable to the State Registrar may be required.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-2; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-11(2); Miss. Code Ann. §93-5-26; Miss. Code Ann. §93-17-25

Rule 2.1.2. Disclosure of records: The State Registrar shall not permit inspection of, or disclose information contained in any records relating to vital events, or copy or issue a copy of all or part of any such record unless he is satisfied that the applicant has a legitimate and tangible interest in such record.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann §41-57-2; Miss. Code Ann. §41-57-7

Rule 2.1.3. Unless precluded by law, the State Registrar reserves the right to determine the amount of information shared from a record to accomplish an authorized applicant's given purpose for seeking the record.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-2; Miss. Code Ann. §41-57-7

Rule 2.1.4. Applicants with legitimate and tangible interest are:

1. The registrant, a member of the registrant's immediate family (spouse, parents, grandparents, siblings, children or grandchildren), the registrant's legal guardian, or their respective legal representatives shall be considered to have a legitimate and tangible interest. This includes a non-custodial parent whose parental rights have not been legally revoked. A legal guardian or legal representative must present documentation of their status and proof of identity prior to access to such record. To be recognized as a parent the name must appear on the record, other immediate family members may be required to show proof of relationship.

2. Mississippi licensed adoption agencies working within the statutory authority of §93-17-205 and state or local governmental agencies working within statutory authority which specifically authorizes access to such records or information contained in such records.

3. Authorized agents of local, state and federal government law enforcement agencies when the record is required for investigation, warrant or court purposes. Documentation of such purposes, including but not limited to subpoenas, and proof of identity must be provided to the State Registrar prior to access to such record.

4. Individuals, groups or other entities needing the information for determination or protection of a personal or property right.

5. Genealogy researchers with family ties to the records, and professional genealogists who are working with the written endorsement of a family member will be considered to have a legitimate and tangible interest in death records filed more than fifty (50) calendar years or birth records filed more than one hundred (100) calendar years prior to the date of the request. Copies of records provided for genealogical research shall be plain paper copies rather than certified copies.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §93-5-26

Rule 2.1.5. In any situation where questions may arise concerning the authenticity of a claim of legitimate and tangible interest, proof of identity and/or interest may be required. Acceptability of the proof of identity and/or interest shall rest with the State Registrar.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §93-5-26

Rule 2.1.6 Applicants without legitimate and tangible interest are:

1. The natural parents of an adopted child if that parent does not have legal custody. Alleged natural parent of any child if the parent's name is not on the certificate.

2. A parent whose parental rights has been legally terminated and notice of such has been provided to the State Registrar.

3. Commercial, political, for-profit, and not-for profit firms or entities requesting copies of records, specific information on an individual record or listings of names and addresses from a series of records.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-2; Miss. Code Ann. §41-57-7; Miss. Code Ann. §93-5-26

Rule 2.1.7 Nothing in this rule shall be construed to permit disclosure of information contained in the Information for Medical and Health Use Only section of the birth certificate, unless specifically authorized by the State Registrar for statistical research or if authorized by statute or a court of competent jurisdiction within this state.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 2. Free Copies

Rule 2.2.1. A free certified copy or verification of birth or death records shall be provided in accordance with state statutes under the following conditions:

1. Volunteers in the armed services will be provided a free certification of birth upon the personal representation of the local recruiting officer for the selected armed service branch.

2. Copies of birth or death certificates necessary for establishing claims for dependency, disability or survivor benefits will be provided free of charge for veterans who reside in Mississippi, or their claimants upon written application by any recognized Veterans Service Officer.

3. Up to five (5) certified copies of a death certificate will be furnished, free of charge, for any deceased person who died in Mississippi and was an honorably discharged veteran of the Armed Forces of the United States or who was killed or died while serving on active duty in the Armed Forces of the United States upon written application by any recognized Veterans Service Officer.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-25; Miss. Code Ann. §41-57-26; Miss. Code Ann. §35-3-9

Subchapter 3. Certification and Service Fees

Rule 2.3.1. Certified copy and service fees: The State Registrar may, in his or her discretion and upon receipt of a request and fee established herein, furnish certified copies, verification of information, or non-certified copies of records and reports on file. The fee for each service requested shall be as delineated below. The fee for the certified birth certificate is inclusive of the one dollar ($1.00) fee required under §41-57-11(2) for the Mississippi Children's Trust Fund.

1. Birth Record, Death Record, and Statistical Report of Marriage: Seventeen dollars ($17.00) for the first certified copy of a record on file. Six dollars ($6.00) for each additional certified copy of the same record ordered at the same time.

2. Statistical Report of Divorce and Certificate of Birth Resulting in Stillbirth: Seventeen dollars ($17.00) for one non-certified copy of a report on file.

3. Amendment (Correction or change to record or report): Twenty-eight dollars ($28.00) for court order or affidavit amendment to record or report on file. Fee includes one certified copy of the amended record. Additional certified copies of the amended record ordered at the time of amendment shall be six dollars ($6.00) for each copy.

4. Creation of Delayed Record for filing: Twenty-eight dollars ($28.00) for a creating, by court order or affidavit, a record one (1) year or more after the date of the event. A request for the record must be submitted and a finding of 'Not on File' must be made prior to a request to create a delayed record for filing. The fee includes the issuance of one certified copy of the record filed. The fee for additional copies of the record ordered at the time of filing shall be six dollars ($6.00) for each additional copy. If the creation of a delayed record is determined to be fraudulent, the entire fee will be retained and the record will not be filed, or if it has already been filed when it is determined to be fraudulent the record will be removed from the files.

5. Creation of an Adoption Record: Fifty-five dollars ($55.00) for creation of an adoption record for filing. Fee includes one certified copy of the birth record created from the adoption decree. Six dollars ($6.00) for each additional copy ordered at the same time as the filing.

6. Disclosure from Adoption Record: Twenty-five dollars ($25.00) for disclosure of identifying or non-identifying information from adoption files. Licensed adoption agencies shall be charged a fee of six dollars ($6.00) for verification of affidavit or contact status when State File Number and date of adoption can be provided, seventeen dollars ($17.00) will be charged when this information is unknown. Note: disclosure and verification shall be made only in accordance with Mississippi Code sections 93-17-203 through 93-17-223.

7. Extended Search of Records: Requests for a record search which cover multiple years, multiple counties or multiple names for the same record shall be charged at twenty-eight dollars ($28.00) per hour.

8. Research and Genealogy: The fee for research and genealogy plain paper copy records shall be the same as the fee for certified copies of the respective certificate, report or search.

9. The full first copy fee shall be retained on all requests that result in a finding of 'not on file'.

10. Expedited Service: IN situations where faster service is warranted a fee may be applied as outlined in Office of Vital Records policies.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-13

Rule 2.3.2. Complaints of records not received will be honored one time within six (6) months of the original request. Certified copies returned to the State Registrar by the US Postal Service or expedite courier will be re-mailed if notification of correct address is provided within six (6) months of original request. If no notification is received returned mail will be destroyed six (6) months after the date returned, and any notification of failure to receive thereafter will not be honored.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 2.3.3. Certified copies of vital records may be made by mechanical, electronic, or other reproductive processes, except that the information contained in the Information for Medical and Health Use Only section of the birth certificate shall not be included.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 2.3.4. When a certified copy is issued, each copy shall be certified as a true copy by the State Registrar in whose custody the record is entrusted, and shall include the date issued, the signatures of the State Health Officer and State Registrar or an authorized facsimile thereof, and an embossed or raised seal of the Mississippi Board of Health. Certified copies shall be produced on paper which incorporates security features to assist in the determination of alterations made to certified copies and in the identification of fraudulent copies.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 2.3.5. When the State Registrar finds evidence that a certificate was registered through misrepresentation or fraud, the State Registrar shall have authority to withhold the issuance of a certified copy, to amend said certificate to conform with registration procedures of the Board of Health, or to remove the certificate from the files completely and report all related information to the appropriate law enforcement agency.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 2.3.6. The State Registrar may negotiate fees for statistical and administrative purposes with state and federal government agencies. Fees for unique statistical services shall be assessed on a time and materials cost bases for providing such services.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Chapter 3. Registration of Live Births

Subchapter 1. Registration of Births

Rule 3.1.1. Fraudulent records and documents related to the birth record shall be turned over to the appropriate law enforcement agency for investigation and to the district attorney in the county of venue for prosecution. The penalty for filing a fraudulent birth record is detailed under Penalties (Rule1.6.1) of this subpart.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.1.2. A certificate of live birth for each birth which occurs in this state shall be filed with the Office of Vital Records of the Department of Health within five days after such birth and shall be registered if it has been completed and filed in accordance with this rule. Births registered within one year after the date of occurrence shall be registered on the standard certificate of birth form. Births which occur in this state but outside a licensed healthcare facility with no licensed healthcare provider in attendance or available immediately after the birth shall meet the requirements specified in the Home Births section (Rule 3.6.1) of this subpart prior to being deemed as registered or filed. Births registered one or more years after the date of the event shall meet the requirements specified in the Delayed Registration of Birth section (Rule 3.7.1) of this subpart prior to being deemed as registered or filed.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 2. Responsibility for Filing of Birth Certificates

Rule 3.2.1. The responsibility for filing birth certificates is determined by the circumstances of the birth. The certificate of birth must be filed within five days.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.2.2. Birth on a moving conveyance: When a birth occurs and the cord is cut on a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state, and the place where the child is first removed shall be considered the place of birth. When a birth occurs and the cord is cut on a moving conveyance while in international waters or airspace, or in a foreign country, and the child is first removed from the conveyance in this state, the birth shall be registered in this state but the certificate shall show the actual place of birth insofar as can be determined.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.2.3. Birth in hospital or enroute to hospital: When a birth occurs and the cord is cut in a hospital or enroute thereto, the hospital shall be recorded as the place of birth and the person in charge of the hospital or his designated representative shall obtain the personal data and prepare the certificate. The completed certificate shall be presented to the mother for her approval and signature before she leaves the hospital. The physician or nurse-midwife in attendance shall provide the medical

information required by the certificate and certify to the facts of birth within 72 hours after the birth. If that person does not certify to the facts of birth within the required 72 hours, the certificate may be signed by a medical staff member or the person in charge of the hospital. The completed certificate shall be filed with the Office of Vital Records of the Department of Health within five days after the date of birth.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.2.4. Birth at place other than a hospital: When a birth occurs and the cord is cut outside a hospital, the place of birth shall be recorded as the address at which the cord was cut and the certificate shall be prepared and filed by one of the following, in the indicated order of priority:

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

2. Any verifiable midwife or other person in attendance at or immediately after the birth, or in the absence of such a person,

3. The father or the mother, or in the absence of the father and the inability of the mother,

4. The person in charge of the premises where the birth occurred, or in the absence of such a person,

5. A representative of the State Registrar. *SOURCE:*

Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7 Rule

3.2.5. Multiple births.

1. The suggested method of preventing confusion with multiple births is to initially identify each member by its order of birth in the set.

2. For each member of a set of multiple births, a separate birth certificate, or spontaneous fetal death report shall be completed.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 3. Paternity and Name of Child

Rule 3.3.1. This section details the conditions under which the father's name may be entered on the certificate, the specification of the child's name under each condition, and conditions under which the surname of the child may be different from either the father's surname or mother's surname if no father is listed. Traditionally a child assumes the legal surname of his or her father as listed on the birth certificate, or of the mother if no father is listed. When the surname given a child is not traditional, a

notarized Name of Child form, witnessed by a hospital representative, signed by both parents or the mother if no father is listed, and filed with the birth certificate shall be required, but the certificate shall not be considered nor marked as having been amended.

Source: Miss. Code Ann. §41-3-17; Miss. Code Ann. §41-57-23; Miss. Code Ann. §93-9-9; Miss. Code Ann. §93-9-28

Rule 3.3.2. Paternity shall be determined in the following manner:

1. Mother married. If the mother was married at the time of either conception or birth, or at any time between conception and birth, the name of the husband shall be entered on the certificate of birth as the father of the child, unless paternity has been determined and the natural father otherwise named by a court of competent jurisdiction.

2. Mother not married; no acknowledged father**.** If the mother was not married at the time of either conception or birth, or at any time between conception and birth, and there is no Acknowledgement of Paternity affidavit filed and no determination of paternity by a court of competent jurisdiction, the name of the father shall not be entered on the certificate of birth.

3. Mother not married; acknowledged father. If the mother was not married at the time of conception or birth, or at any time between conception and birth, and the natural father acknowledges such paternity, the name of the father shall be entered on the certificate. Such acknowledgement of paternity shall be made by affidavit of both mother and father on the form prescribed by the Department of Health and filed with the Office of Vital Records. (The Acknowledgement of Paternity affidavit may be rescinded under Rule 3.3.4 – Rescission of acknowledgement of paternity, or superseded by court order. Once a rescission has been filed the father's information will be removed from the birth certificate and the surname of the child will be changed to the legal name of the mother at the time of birth.)

4. Court-determined paternity. A petition, bill of complaint, or other proceeding filed in a court of competent jurisdiction may result in a determination of paternity. The name of the father as determined by said court shall be entered on the birth certificate upon receipt of a certified copy of the court judgment. Court determined paternity shall take precedence over all other methods of assigning paternity.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-23; Miss. Code Ann. §93-9-9; Miss. Code Ann. §93-9-28

Rule 3.3.3. The surname of the child shall be determined in the following manner:

1. Mother married. If the mother was married at the time of conception or birth, or at any time between conception and birth, the surname of the child shall be that

of the husband except that a notarized Name of Child form, signed by both the listed mother and husband, and witnessed by a health facility representative, filed at the same time as the birth certificate is filed may alter this rule.

2. Mother not married; no acknowledged father. If the mother was not married at the time of conception or birth, or at any time between conception and birth, the surname of the child shall be that of the legal surname of the mother, except that a statement, signed by the listed mother and witnessed by a health facility representative, filed at the same time the birth certificate is filed may alter this rule.

3. Mother not married; acknowledged father. If the mother was not married at the time of conception or birth, or at any time between conception and birth, and the natural father acknowledges such paternity, the surname of the child shall be that of the father except that a notarized Name of Child form signed by both the listed mother and the acknowledged father, witnessed by a health facility representative, and filed at the same time the birth certificate is filed may alter this rule. The Acknowledgement of Paternity affidavit may be rescinded under Rule 3.3.4 – Rescission of acknowledgement of paternity. Upon rescission the father's information will be removed from the birth certificate and the surname of the child will be changed to the legal surname of the mother at the time of birth.

4. Court-determined paternity**.** In the event of court-determined paternity, the surname of the child shall be that of the father, unless the judgment specifies otherwise.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-23; Miss. Code Ann. §93-9-9; Miss. Code Ann. §93-9-28

Rule 3.3.4. Rescission of acknowledgement of paternity: In those cases where the mother was not married at the time of either conception or birth, or at any time between conception and birth, and the mother and natural father acknowledge such paternity by affidavit, either the mother or the acknowledged father may rescind the acknowledgement within the earlier of one year of the date of the signature on the Acknowledgement of Paternity affidavit or the date of a judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party. This rescission rule also applies in cases where the mother and father married after the birth of the child and legitimized the child by affidavit. This rescission rule does not apply to a legitimation affidavit in cases where the mother and father were married prior to the birth of the child but the fact was not listed on the certificate of live birth.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-23; Miss. Code Ann. §93-9-9; Miss. Code Ann. §93-9-28

Rule 3.3.5. When an affidavit for Acknowledgement of Paternity or Legitimation, in cases where the mother and father were married after the birth of the child, whether

filed at birth or thereafter, has been rescinded, the name of the father and all information pertaining to the father shall be removed from the birth certificate, and the surname of the child shall be changed to the legal surname of the mother at the time of birth. After a father's name has been removed by rescission, a court order shall be required to put that or another father's name on the certificate.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-23; Miss. Code Ann. §93-9-9; Miss. Code Ann. §93-9-28

Subchapter 4. Infants of Unknown Parentage

Rule 3.4.1. Foundling registration: Any emergency medical services provider, as defined in §43-15-207, who takes possession of certain abandoned infants under §43-15-201, or whoever assumes custody of a live born infant of unknown parentage shall file a certificate of live birth within five days and such certificate shall contain the following:

1. Have "Foundling" plainly marked in the top margin of the certificate.

2. The required facts which may be determined by approximation. A list of the required facts may be obtained from the Bureau of Vital Records.

3. The signature of the custodian and the custodian's title, if any.

4. The place where the child was found or taken into possession shall be entered as the place of birth.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §43-15-201; Miss. Code Ann. §43-15-207

Subchapter 5. Birth Occurrence Reports

Rule 3.5.1. On the first day of each month, each institution which accepts patients for delivery shall make a report to the Office of Vital Records, on forms prescribed by the Department of Health, giving a complete list of births occurring in or enroute to the institution during the preceding month. For those births which occurred enroute to the institution, a notation shall be made on the report. If there were no births at the institution during the month, a report shall be submitted showing that there were none.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 6. Registration of Home Births Filed within One (1) Year of Birth

Rule 3.6.1. When a birth occurs at a place other than a licensed healthcare facility the birth shall be classified as a home birth. The certificate for such a birth shall be prepared and filed in accordance with Rule 3.2.4 of this publication. A birth certificate for a home birth determined to be fraudulent, in whole or in part, shall

not be filed and the record and all documents pertaining to the record shall be turned over to the appropriate law enforcement agency for investigation and the district attorney, in the county of the alleged birth, for prosecution.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.6.2. In all cases where a birth occurred outside a licensed healthcare facility with no licensed healthcare provider or verifiable midwife in attendance or available immediately after the birth, a representative of the State Registrar shall make a home visit and obtain or review the following proofs for the filing of the certificate:

1. A state issued picture identification of parents, or in the absence of that other picture identification acceptable to the State Registrar,
2. Prenatal care or medical records confirming pregnancy, or two notarized affidavits of persons who were aware of the pregnancy and the estimated date of delivery,
3. Two affidavits from persons present at the birth or soon after who can verify date and place of birth. The place of birth must be in Mississippi to be filed as a Mississippi birth certificate. One affidavit must be from someone other than a listed or alleged parent, preferably a health care provider,
4. Proof of a live born child,
5. Other proof may be required, at the discretion of the State Registrar, when there is doubt about parentage, date of birth, or place of birth.

Source: Miss. Code Ann. §41-3-17

Rule 3.6.3. Insufficient proof for filing a birth certificate: When the State Registrar has reasonable cause to question the adequacy or validity of the information provided or the supporting affidavits, the birth certificate shall not be filed. Once the State Registrar determines the proof is insufficient, a court order will be required prior to the birth being registered. Pursuant to Mississippi Code Annotated §41-57-19, the State Board of Health shall be summoned to appear at any such hearing.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-19

Subchapter 7. Delayed Registration of Birth

Rule 3.7.1. Any living person born in the state of Mississippi whose birth has not been registered with the Office of Vital Records of the Department of Health, may file a delayed registration of birth by affidavit, with proof, or by court order. A delayed birth certificate form must be used if the birth is not registered within one year of the date of birth. Delayed birth registrations determined to be fraudulent, in whole or in part, shall not be filed and the record and all documents pertaining to the record shall be turned over to the appropriate law enforcement agency for investigation and to the district attorney in the county of venue for prosecution.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-19; Miss. Code Ann. §41-57-27

Rule 3.7.2. In cases where a licensed health care facility failed to file the certificate in a timely manner, the State Registrar may accept the standard birth form, if accompanied with a signed statement attesting to the existence of a hospital file and completed worksheets or a completed Certificate of Live Birth.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 8. Delayed Registration of Birth by Affidavit

Rule 3.8.1 Delayed registration for a child less than six (6) years of age: The delayed certificate of birth shall be signed and sworn to before a notary public by two individuals competent to sign and swear to the accuracy of the facts stated therein. These individuals shall be selected from the following in order of priority:

1. The parents of the applicant child, or in the absence of one parent,

2. The custodial parent of the child and a member of the child's family no more than one degree removed, who would have reason to know the facts of the birth, or in absence of such person,

3. The custodial parent of the child and any person who would have reason to know the facts of the birth, or in the absence of such person,

4. The legal guardian of the applicant child, or the legal guardian of any person who would have reason to know the facts of birth, or in absence of such persons,

5. Any two adults having personal knowledge of the facts of birth.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.2. If the child is legitimate, a copy of the marriage license of the parents shall be furnished to the State Registrar before the delayed certificate of birth may be filed.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.3 The applicant must either show proof that a birth certificate is not on file or pay the fee for a search to determine that the record is not on file.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.4 The proofs specified in this subpart under Rule 3.2.4 – Registration of birth at a place other than a health care facility shall be provided. An immunization or other health care record for the child may be substituted for the record or affidavit confirming the pregnancy.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.5. One or more pieces of documentary evidence shall be provided which corroborate the facts set forth on the delayed certificate. Each document must include information as to the type of document and the date it was originally created or filed. The document(s) must establish:

1. The full name of the child at the time of birth,

2. The date of birth and place of birth,

3. The full maiden name of the mother,

4. The full name of the father, if the father's name is to be listed on the certificate. The father's name may be listed on the certificate only in compliance with Rule 3.3.2 of this subpart.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.6. The State Registrar shall examine the sworn statement and the documentary evidence and shall determine the acceptability of such evidence in establishing the facts of birth. If the State Registrar rejects the provided evidence as unsatisfactory, written notification of the rejection and the reasons for the rejection shall be provided to the person making application on behalf of the child.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.7. Upon receipt of the service fee and the acceptance of the signed delayed certificate form, the State Registrar, or authorized representative, shall abstract onto the delayed certificate a description of each piece of documentary evidence submitted to support the facts shown on the certificate. This delayed certificate shall then be used to register the birth and the applicant shall be provided with one certified copy of the certificate.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.8. After the birth is registered, all documentary evidence provided on behalf of the child shall be returned to the person making application for the child.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.9. Delayed registration when the applicant is six (6) years of age or over

For an individual six (6) years of age or over, the delayed certificate of birth shall be signed and sworn to before a notary public by two (2) individuals, selected in the following order of priority, who are competent to sign and swear to the accuracy of the facts stated therein:

1. The person whose birth is to be registered, if that person is eighteen (18) years of age or older, or

2. One or both of the parents of the applicant, or

3. The legal guardian of the applicant, or

4. The next of kin of the applicant, or

5. Any adult having personal knowledge of the facts of birth.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.10. The applicant must either show proof that a birth certificate is not on file or pay the fee for a search to determine that the record is not on file.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.11. In addition, the applicant shall furnish the State Registrar at least two pieces of documentary evidence which corroborate the facts set forth on the delayed certificate. Each document must contain identification as to the type of document and a date of creation or filing which is five (5) years or more prior to the application. These documents must establish:

1. The full name of the applicant at the time of birth;

2. The date of birth and place of birth;

3. The full maiden name of the mother;

4. The full name of the father, compliance with Rule 3.3.2 in this subpart is required if the father's name is to be listed. If the mother is married, a copy of the marriage license must also be furnished.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.12. The State Registrar shall examine the sworn statement and the documentary evidence and shall determine the acceptability of such evidence in establishing the facts of birth. If the State Registrar rejects the evidence offered as unsatisfactory, written notification of the rejection and the reasons for the rejection shall be provided to the applicant. Commensurate with the individual's age, the State Registrar may waive some of the five (5) years required on the evidence. If the State Registrar accepts the evidence offered, upon receipt of the service fee, the State Registrar, or designated representative, shall abstract on the delayed certificate of birth, a description of each document submitted to support the facts shown on the delayed birth certificate. This delayed certificate shall then be used to register the birth and the applicant shall be provided with one certified copy of the certificate.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.13. After the birth is registered, all documentary evidence provided shall be returned to the applicant.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.14. Closure of delayed birth files: Any application for a delayed certificate not completed within one year from date of application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State Registrar shall advise the applicant of his or her decision and all documents submitted in support of such registration shall be returned to the applicant. No refund of fees shall be made.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.15. An applicant wishing to reopen a case must comply with all the requirements of Rule 3.8.1 or 3.8.9 above.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.8.16. When an applicant does not submit the documentation required for delayed registration, or when the State Registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, and if the deficiencies are not corrected, the State Registrar shall not register the delayed certificate. However, the applicant may file a petition for a delayed certificate of birth under the provisions of Section 41-57-19 of the Mississippi Code of 1972, Annotated.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-19

Rule 3.8.17. When a delayed birth certificate is determined to be filed fraudulently, the entire fee shall be retained by the State Registrar, and the record and all documents pertaining to the record shall be turned over to the appropriate law enforcement agency for investigation and to the district attorney in the county of venue for prosecution.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-27

Subchapter 9. Delayed Registration of Birth by Court Order

Rule 3.9.1. There are cases where an applicant cannot provide sufficient documentation to support his application. In these cases, the applicant has recourse to the chancery courts of Mississippi. Upon receipt of the service fee and a certified copy of the court decree that mandates a delayed certificate to be filed, the State Registrar shall register the birth and issue one certified copy of the certificate to the applicant.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-19

Subchapter 10. Adoption

Rule 3.10.1. The laws of the state of Mississippi provide for the adoption of and for the issuance of new birth certificates to adopted individuals. The law, further, provides a method for the adoptee or the adoptive parents, in cases where the adoptee is a minor, to obtain non-identifying and identifying information concerning the birth parents, and for the birth parents to permit or prohibit contact by the adoptee or the adoptive parents.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §93-17-21; Miss. Code Ann. §93-17-205; Miss. Code Ann. §9-17-207; Miss. Code Ann. §93-17-213; Miss. Code Ann. §§93-17-215 thru 221

Subchapter 11. Adoption of Mississippi Born Children

Rule 3.11.1 When a person with a Mississippi registered birth is adopted in this or any other state, a new birth certificate shall be prepared by the State Registrar and registered in accordance with Section 93-17-21 of the Mississippi Code of 1972, Annotated. The State Registrar shall honor orders of courts of other states having appropriate jurisdiction over Mississippi born persons in matters of adoption.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §93-17-21

Rule 3.11.2. For a new certificate to be prepared and issued, the following shall be furnished to the State Registrar immediately after adoption:

1. Certified copy of final decree of adoption.

2. Report of Adoption, a form prescribed and furnished by the State Registrar. The report shall include such facts as are necessary to locate and identify the certificate of birth of the person adopted, provide information necessary to establish a new certificate of birth of the person adopted, identify the order of adoption and be certified by the clerk of the court. The Report of Adoption must be complete and meet the requirements of an acceptable record under Rule 1.9.3 of this subpart.

3. A report of the medical and social history of the birth parents, including information regarding genetically inheritable diseases or illnesses, and any similar information furnished by the birth parents about the adoptee's grandparents, aunts, uncles, brothers and sisters. The court may waive this requirement when one or more of the petitioners for adoption is the natural mother or father of the adoptee, or the adoptee is an adult.

4. The names, current addresses and social security numbers of the adoptee's birth parents, guardian and legal custodian and any other available information about the birth parent's identity and location. The court may waive this

requirement when one or more of the petitioners for adoption is the natural mother or father of the adoptee, or the adoptee is an adult.

5. The required service fee.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §93-17-205

Rule 3.11.3. Upon receipt of these documents and the service fee, the State Registrar or designated representative, shall remove the original birth certificate from the active files and secure it with the documents required in Rule 3.11.2 (1-4) of this subpart in a sealed file, prepare a new certificate, register the new birth record into the active files, and provide the adoptive parents with one certified copy of the new birth certificate.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §93-17-21; Miss. Code Ann. §93-17-205

Rule 3.11.4. Disclosure of non-identifying information from the sealed file shall be made only under the following conditions:

1. The person making the request has sufficient proof of identity and is an adoptee eighteen (18) years of age or older; an adoptive parent; the guardian or legal custodian of an adoptee; or the offspring or blood sibling of an adoptee if the requester is eighteen (18) years of age or older.

2. Payment of the required service fee.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §93-17-207

Rule 3.11.5. Disclosure of identifying information from the sealed file shall be made available only under the following conditions:

1. An affidavit is not on file expressly prohibiting the release of any information about such birth parent's identity and location, and prohibiting any licensed adoption agency from conducting a search for such birth parent under the terms of the Mississippi Adoption Confidentiality Act or a notice of contact with the birth parent for that adoptee is not on file.

2. A licensed adoption agency has requested the information while acting on behalf of any person specified in *Miss. Code Ann.*§93-17-207 who requests non-identifying medical, social or genetic background information and the information is not on file and an affidavit prohibiting a search for the birth parent has not been filed or a notice of contact with the birth parent for that adoptee is not on file. In this case, only non-identifying information may be furnished by the licensed adoption agency to the person so identified in *Miss. Code Ann*. §93-17-207.

3. A licensed adoption agency providing post-adoption services has requested the information while acting on behalf of any person twenty-one (21) years of age or over who has been adopted in this state, providing however, that the birth parent has not executed an affidavit prohibiting the release of such information or that a notice is not on file that such birth parent has been contacted once and has refused to authorize the release of confidential information.

4. Payment of the required service fee.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann §93-17-207; Miss. Code Ann. §§93-17-215 thru 219

Subchapter 12. Adoption of Foreign Born Children

Rule 3.12.1. The Mississippi Code provides for the issuance of a Mississippi birth certificate upon the adoption of, by Mississippi residents, foreign-born children. See Section 93-17-21, Mississippi Code of 1972, Annotated.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §93-17-21

Rule 3.12.2. The birth of any child born in a foreign country and adopted in the state of Mississippi by a person or a couple, one of whom is or was at the time of adoption a bonafide resident of this state, may be registered in the manner described in Rule 3.11.1, with the exception that the place of birth shall be shown as the actual town, district and county of said child's birth.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §93-17-21

Subchapter 13. Adoption of Persons Born in Another State

Rule 3.13.1. The Board of Health cannot act on a birth certificate of another state, but any person adopting a child born in another state will be referred to the appropriate authority in that state as provided in Section 93-17-21, Mississippi Code of 1972, Annotated.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §93-17-21

Subchapter 14. Adoption of Children with no Birth Certificate

Rule 3.14.1. The State Registrar will prepare a birth certificate for an adopted individual who has no birth certificate on file or whose place of birth is unknown, upon receipt of a court order as provided for in Section 93-17-21, Mississippi Code of 1972, Annotated.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-19; Miss. Code Ann. §93-17-21

Subchapter 15. Centralized Adoption Statistics

Rule 3.15.1. With the assistance of the Administrative Office of Courts, the State Registrar shall compile and annually make available to the public for a reasonable fee, statistics about all adoptions finalized in the State. The statistics shall include the number of adoptions where the adopting parent is a blood relative and the number of adoptions where the adopting parent is not a blood relative to the adoptee. No individual identifying information shall be made available in these statistics.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §93-17-205

Subchapter 16. Amendments to Birth Certificate

Rule 3.16.1. Mississippi statutes authorize alteration of birth certificates only when the original birth facts are incorrectly recorded. An omission in this context is considered to be an error.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.16.2. Amendment of obvious errors: In the process of registering a birth, the State Registrar is charged with responsibility of ensuring, insofar as is administratively possible, the completeness of the record. To this end, during the first year after the date of birth, the State Registrar or designated representative will examine each certificate for obvious errors and make any necessary corrections. Obvious errors, include the transposition of letters in words of common knowledge, the provision of misinformation, and/or omissions of information. Correction of these errors may be made based on either telephone or written query to the facility of birth and/or mother as shown on the birth certificate. When amendments to obvious errors are made by the State Registrar, a notation as to the source of the information, together with the date the change was made and the initials of the authorized agent making the change, shall be made on the certificate in such a way so as not to become a part of any certification issued. The certificate is not to be considered nor marked as having been amended. Correction of obvious errors does not include, the placement of given names, adding or dropping a given name, nor, generally, spelling of the names.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.16.3. Amendment by Affidavit

Minor errors and omissions: Certificates which have missing information or the incorrect recording of the child's first name, middle name(s), sex, or date of birth by one (1) day may be amended by affidavit with proof of the facts. Omissions or incorrect recording of both or either parent's given name, place of birth, date of birth, or race may also be corrected by affidavit with proof of the facts. Affidavits must contain notarized signatures of two (2) reputable persons having personal

knowledge of the facts (in the order of priority specified in Rule 3.8.1 of this subpart). Proof of the facts must be at least one piece of documentary evidence, showing the type of document and a date five (5) years or more prior to the request, which supports the item to be corrected. The documentary evidence must also contain sufficient identifying information that is consistent with the same type of information on the birth certificate. From the date of birth up to but not including the date three (3) calendar months after the date of birth, corrections in the placement of given names, adding or dropping a given name but not both, or corrections in the spelling of a given name where it does not change the pronunciation of the name may be made by affidavit without the proof requirement.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-21

Rule 3.16.4. At the discretion of the State Registrar and commensurate with the age of the person named on the certificate, all or part of the requirements for documentary evidence may be waived. Conversely, should there be any question concerning the validity of the affidavit or documentary evidence, the State Registrar may require a Mississippi chancery court order prior to making the correction. Anyone giving false information in such affidavit shall be subjected to the penalties of perjury. Attempts to change a record though fraudulent means will result in no change to the record and all documents pertaining to the record will be turned over to the appropriate law enforcement agency for investigation.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-27

Rule 3.16.5. More than one amendment to an item: Once an amendment of an item is made on a birth certificate, that item shall not be amended again unless a court order is received from a court of competent jurisdiction within the state of Mississippi. Note: The witnessed statement giving a child a non-traditional surname, filed with the birth certificate by the facility of birth, is not considered an amendment to the name item.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 3.16.6. Methods of amending certificates

1. Certificates shall be amended by eradication of the item to be amended and insertion of correct data, except as provided in Rule 3.21.1. Original information contained in the certificate shall be preserved for reference and placed on the certificate in such a way so as not to become part of any certification. When such amendments are made, a notation as to the source, date of amendment and initials of the authorized agent shall be included on the certificate.

2. Where the item was left blank on the existing certificate, amendments shall be made by completing the items, with a notation as to source, date of amendment and initials of the authorized agent placed on the certificate in such a way so as not to become part of any certification.

3. Excepting only adoptions, the change authority and the date of change shall be legible on any certified copy issued. The certificate shall contain an entry in the margin amended by authority of Section 41-57-23(1) or Section 93-17-1 of the Mississippi Code of 1972, Annotated. Where the change was based upon a rule, the Mississippi Board of Health authority to make rules and regulations, Section 41-3-17 will be referenced.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-3-17

Subchapter 17. Legitimation by Marriage and Affidavit of Natural Parents

Rule 3.17.1.

1. The affidavit of the natural parents of an illegitimate child, submitted with proof of marriage between the parties, shall result in the addition of the father's name, race, age at time of birth or date of birth, and state of birth to the child's birth certificate, and change the child's surname to that of the father, provided that no father is listed on the certificate on file. If another man is named as father on the birth certificate, this name may only be changed pursuant to an order from a chancery court, or the Chancellor in vacation of the county of residence of the petitioner, or any chancery district of the state if the petitioner is a nonresident. When the natural parents were married prior to the birth of the child, but the father's information was not contained on the filed certificate, the affidavit shall correct the omission of the father's information. Signatories in this case cannot rescind the acknowledgement and any action to remove the father shall be by Chancery court order.

2. When the natural parents marry after the birth of the child, the affidavit amends the birth record by providing the father's information and changing the surname of the child to that of the father. In this case a signatory can rescind the acknowledgement in accordance with Rule 3.18.2 of this subpart.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §93-17-1(2)

Subchapter 18. Filiation or Paternity

Rule 3.18.1. Acknowledgement of paternity by affidavit: Acknowledgments of paternity by the natural father may be done by affidavit provided no father is listed on the birth certificate of the child. If a father is listed or the mother was married at conception or birth, or any time between conception and birth, a court order shall be required. Acknowledgement of Paternity affidavit must be signed by both the mother and natural father, contain a notary seal for both signatures, indicate the date signed, and be filed with the office of vital records. When an Acknowledgement of Paternity affidavit is filed the father's information shall be added to the birth certificate and the surname of the child shall be changed to that of the father.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-23; Miss. Code Ann. §93-9-9; Miss. Code Ann. §93-9-28

Rule 3.18.2. Rescission of acknowledgement of paternity: A signatory may, in accordance with §41-57-23(3) and §93-9-9(4), rescind an Acknowledgement of Paternity affidavit by completing and filing with the office of vital records a Rescission of Acknowledgement of Paternity affidavit. The person signing a rescission affidavit must sign his or her name in the same manner as the signature on the Acknowledgement of Paternity affidavit. The signature must be notarized and the date signed must be within one year of the date of the signature on the Acknowledgement of Paternity filed with the office of vital records. After a rescission has been filed the father's information will be removed and surname of the child will be changed to the legal name of the mother at the time of birth, in accordance with Rule 3.3.4 of this subpart.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-23; Miss. Code Ann. §93-9-9; Miss. Code Ann. §93-9-28

Subchapter 19. Amendments by Court Order

Rule 3.19.1. Proceedings brought under *Mississippi Code Annotated* §41-57-23 must be brought against the Board of Health. Any court action should be based upon the certificate on file with the Board of Health. The petition should set out the error to be corrected, and include any documentation or other evidence upon which the claim of an error is based. A certified copy of the subject certificate and any documentary support of the petition should be attached as exhibits. In the absence of any support for a claim, the Board of Health will base its answer on the prima facie facts on the birth certificate on file. Court proceedings brought under *Mississippi Code Annotated* §93-17-1 do not necessarily entitle a party to an amendment to a birth certificate, unless the Board of Health is a party to the proceedings.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-23; Miss. Code Ann. §93-17-1

Subchapter 20. Amendment of a Delayed Registration Birth Certificate

Rule 3.20.1. Amendments to delayed birth certificates shall be made only upon the receipt of an order of a court of competent jurisdiction.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 21. Court Order Changes which are not Corrections to Birth Facts

Rule 3.21.1. Change of name by court order: A name change, which is not a correction to the birth facts shall, upon receipt of a certified Mississippi chancery court order and required fee, be added to the birth certificate as a marginal notation of the fact. The birth name shall not be eradicated and the name changed shall not be put in

the birth name place. The face of the certificate shall be stamped to indicate the legal authority under which the name was changed and the date of the change.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §93-17-1

Rule 3.21.2. Change of sex by court order: Sex reassignment shall be added to the birth certificate as a marginal notation, upon receipt of a certified Mississippi chancery court order, and the required fee.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Chapter 4. Registration of Deaths

Subchapter 1. Deaths

Rule 4.1.1. Mississippi statutes applicable to the determination and registration of deaths are §41-36-3, §41-57-1, and §41-57-7. A determination of death must be made in accordance with accepted medical standards.

SOURCE: Miss. Code Ann. §41-36-3; Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.1.2. Registration of deaths: A certificate for every death which occurs in this state shall be filed with the Office of Vital Records of the Department of Health within five days after such death occurs and shall be registered if it has been completed and filed in accordance with this rule. If unknown, the place of death is assumed to be that where the body is found. If the date of death is unknown, it shall be determined by approximation.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.1.3. Removal of dead body: The hospital, nursing home, funeral director, other institution or individual who first assumes custody of a dead body shall immediately ascertain the identity of the person who will certify the death (See Rule 4.2.1). The body shall not be removed until such person has been notified and he has indicated he will certify the cause of death.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 2. Who Shall Certify

Rule 4.2.1. Certification of death

1. The physician in charge of the decedent's care shall certify to the cause of death if death does not affect the public interest.

2. The medical examiner shall certify cause in deaths affecting the public interest. A death affecting the public interest is defined by Sections 41-61-53(e) and 41-61-59 of the Mississippi Code of 1972, Annotated.

3. Where an attending physician refuses to sign a certificate of death, or in case of any death affecting the public interest, the State Medical Examiner or properly qualified designee shall sign the death certificate

4. In any case where doubt exists as to who shall certify, the medical examiner shall certify the death.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-61-53(e); Miss. Code Ann. §41-61-59; Miss. Code Ann. §41-61-63

Subchapter 3. Deaths of Females Between Ages Ten (10) and Sixty (60)

Rule 4.3.1. The certifier of cause of death of a female between the ages of ten (10) and sixty (60) will specify, by checking the appropriate box on the death certificate, whether or not the female was or had been pregnant within 90 days of the date of death.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-13(4)

Subchapter 4. Place of Death

Rule 4.4.1. Death in an institution: When death occurs in a hospital or nursing home and is not a death that affects the public interest, the person in charge of that institution, or his designated representative, shall initiate the preparation of the death certificate by completing the following items:

1. Name of deceased

2. Hour and date of death

3. Place of death (hospital, institution, or physical location)

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.4.2. The institution shall obtain the certification of cause of death and forward the certificate to the funeral director and medical certifier within 48 hours of death. In the event that the cause of death determination is awaiting laboratory or autopsy results, the certifier shall indicate such in the cause of death section and sign the record. Once the determination of the cause of death is made, the record shall be amended by completing and submitting the form Statement to Amend Cause of Death.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.4.3. If the death affects the public interest (See §41-61-59) the medical examiner shall complete his portion of the death certificate and forward the certificate to the funeral director within forty-eight (48) hours of assuming jurisdiction over a death. In the event that the cause of death determination is awaiting laboratory or autopsy results, the medical examiner shall indicate such in the cause of death section and sign the record. Once the determination of the cause of death is made, the record shall be amended by completing and submitting the form Statement to Amend Cause of Death. The medical examiner's portion of the death certificate is:

1. Name of deceased

2. Hour and date of death

3. Place of death (hospital, institution, or physical location)

4. Certifier's signature

5. Cause and details of death

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-61-59

Rule 4.4.4. In those cases where no funeral director is involved, the hospital or the medical examiner shall be responsible for completion and filing of the entire death certificate within five days of death.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.4.5. Death at place other than an institution

1. When death occurs at a place other than an institution and the death does not affect the public interest (See §41-61-59), the funeral director or person acting as such who first assumes custody of the body shall initiate preparation of the certificate and forward same to the medical certifier within forty-eight (48) hours of death. If the death affects the public interest the medical examiner shall initiate the death certificate and forward it to the funeral director within forty-eight (48) hours of death.

2. In those cases where no funeral director is involved, the hospital or the medical examiner shall be responsible for completion and filing of the entire death certificate within five days of death.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-61-59

Rule 4.4.6. Death on a moving conveyance: When death occurs on a moving conveyance within the United States and the body is first removed from the conveyance in this state, the death shall be registered in the state, and the place where it is first removed shall be considered the place of death. When a death occurs on a moving

conveyance while in international waters or airspace, or in a foreign country, and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death insofar as can be determined. If the death affects the public interest, the medical examiner of the county in which the conveyance stops and death is pronounced shall be notified promptly by any person having knowledge or suspicion of such a death. All other registration procedures as provided in these regulations shall apply.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.4.7. Presumptive death: When a death is presumed to have occurred within this state but the body cannot be located, a death certificate may be prepared by the State Registrar upon receipt of an order of a court of competent jurisdiction within this state, which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked Presumptive and shall show on its face the date of registration and shall identify the court and the date of decree.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 5. Who Shall File a Death Certificate

Rule 4.5.1. Filing of death certificate

1. Unless the only services being rendered are transport services, the funeral director, or person acting as such, who first assumes custody of a dead body, shall review and correct any items, other than information in the PRONOUNCEMENT and CAUSE OF DEATH sections, completed by an institution or the medical examiner, complete the death certificate, and file it with the Office of Vital Records of the Department of Health within five days of the date of death.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 6. Interstate Transportation of Dead Bodies

Rule 4.6.1. A burial-transit permit is required when a dead body is transported into or out of the State.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.6.2. Burial-transit permit

1. A burial-transit permit may be issued by the organization that originates the death certificate, or a certified copy of the death certificate may serve as a burial-transit permit.

2. The burial-transit permit shall accompany any dead body when it is moved out of state. If the dead body is shipped by common carrier, the burial-transit permit shall be enclosed in a durable envelope and attached to the shipping case.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.6.3. Transportation of dead bodies: A dead body or fetus shall be buried, cremated or otherwise disposed of within 48 hours of death unless the body has been embalmed by a licensed embalmer or unless the body is kept under refrigeration at a temperature of 4°C (39°F). If the dead body is transported within or out of the state and the destination cannot be reached within 24 hours after death, the body shall be embalmed by a licensed embalmer or kept under refrigeration at a temperature of 4°C (39°F). Any dead body shipped by common carrier shall be enclosed in an outside shipping case. The outside shipping case may be made of metal, wood or any other suitable material which is approved by the common carrier. The outside case may be omitted in all instances when the body is transported in a hearse or funeral director s conveyance.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 7. Disposition of Dead Bodies

Rule 4.7.1. Mississippi statutes and regulations do not require the use of vaults, caskets or embalming, except as provided in Rule 4.6.3. The Board of Health does not license or otherwise regulate cemeteries or crematoriums.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.7.2. No person knowing or having reason to know that a death may be under the jurisdiction of the medical examiner shall bury the body without the permission of the medical examiner. No body shall be cremated unless the death certificate has first been completed and filed with the Office of Vital Records of the Department of Health. Dead bodies may be donated to medical schools as provided for in Sections §41-39-7 and 41-39-101, *et seq.* of the Mississippi Code of 1972, Annotated.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-39-7; Miss. Code Ann. §41-39-101, et seq.

Subchapter 8. Disposition of Unclaimed Dead Bodies

Rule 4.8.1 A dead human body which is not claimed for burial or cremation within forty-eight hours shall become the responsibility of the Board of Supervisors of the county in which the dead body is located. The Board of Supervisors shall make reasonable efforts to notify members of the decedent's family or other known interested persons, and, if the dead body is not claimed for burial or cremation by any interested person within five days, the Board of Supervisors shall, as soon as

it may think appropriate, authorize and direct the burial or cremation and burial of the residue of such dead body.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; §41-39-5

Subchapter 9. Monthly Reports of Deaths

Rule 4.9.1. Funeral homes: On the first day of every month, each person, firm, corporation, burial society or burial association engaged in the business of burying dead bodies shall make a report to the Office of Vital Records on forms prescribed and furnished by the Department of Health of deaths during the preceding month. If there were no funerals during the month, a report shall be filed to this effect.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.9.2. Hospitals and nursing homes: On the first day of every month, each institution shall make a report of all deaths occurring in or enroute to the institution during the preceding month, to the Office of Vital Records on forms prescribed and furnished by the Department of Health. If there were no deaths during the month, a report shall be filed to this effect.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.9.3. Medical examiner/Investigator: On the first day of every month, each county medical examiner or county medical examiner investigator responsible for certifying deaths in the public interest, shall make a report to the office of Vital Records on forms prescribed and furnished by the Department of Health of deaths during the preceding month. If there were no deaths certified in the public interest during the month, a report shall be filed to that effect.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 10. Delayed Registration of Death

Rule 4.10.1. Deaths registered after one year of the date of death shall be registered on the standard certificate of death form, preferably the version in use at the time of death. The certificate must be signed by the attending physician or medical examiner, and the funeral director or person who acted as such.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.10.2. In the absence of the attending physician or medical examiner, and the funeral director or person who acted as such, the certificate may be filed by chancery court order.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.10.3. In cases where the death registration is not court ordered, the State Registrar may require additional documentary evidence to prove the facts of death.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.10.4. Upon acceptance of the evidence offered and receipt of the service fee, the State Registrar, or his or her designated representative shall register the death and provide the applicant with one certified copy.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 11. Amendments to Death Certificate

Rule 4.11.1. All items in the medical certification or of a medical nature may be amended only upon receipt of the specified amendment form from (1) the person certifying the information or, if deceased or incapacitated, from that person or persons responsible for the completion of such items or (2) the State Medical Examiner.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; §41-57-13

Rule 4.11.2. Any amendment that is or may be contested by any of the principals i.e., surviving spouse, informant, parents or relatives of the principals, may, at the discretion of the State Registrar, require adjudication in a Mississippi chancery court.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.11.3. Other items may be amended on affidavit of the informant and funeral director or person acting as such.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.11.4. Any item, once amended, shall be further amended only upon receipt of an order from a Mississippi chancery court.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 4.11.5. Notwithstanding any of the above, the State Registrar may in his or her discretion, require or not require documentation in support of the amendment to be made, or require a court order from a Mississippi chancery court.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Chapter 5. Spontaneous Fetal Deaths

Subchapter 1.

Rule 5.1.1. Spontaneous fetal deaths (stillbirths and miscarriages) are subject to statistical reporting requirements. A “Certificate of Birth Resulting in Stillbirth” may be

obtained, upon request, by a parent named on the fetal death report, to memorialize the delivery of a stillborn child. Such a certificate shall state clearly that the certificate is not proof of live birth.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-31

Subchapter 2. Reporting

Rule 5.2.1. Reporting requirements

Each spontaneous fetal death of 20 completed weeks of gestation or more, calculated from the date the last normal menstrual period began to the date of delivery, or a weight of 350 grams or more, which occurs in this state shall be reported within five days after delivery to the State Registrar. If either or both the completed weeks of gestation or the weight are unknown, the fetal death must be reported.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-31

Rule 5.2.2. Responsibility for reporting spontaneous fetal deaths: If a dead fetus was delivered in an institution or enroute thereto, the person in charge of the institution, or his designated representative, shall prepare and submit the report to the State Registrar.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 5.2.3. If an investigation by a coroner or medical examiner is required, the coroner or medical examiner shall prepare and submit the report to the State Registrar.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 5.2.4. If a dead fetus was delivered outside an institution and is not subject to the jurisdiction of the coroner or medical examiner, the report shall be prepared and submitted to the State Registrar by one of the following in the indicated order of priority:

1. The physician in attendance at or immediately after the delivery, or in the absence of such a person.

2. Any other person in attendance at or immediately after the delivery, or in the absence of such a person,

3. The father or mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the delivery occurred.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 5.2.5. The person responsible for completing the fetal death report shall advise the parent or parents:

1. That a parent may, but is not required to, request the preparation of a certificate of birth resulting in stillbirth;

2. That a parent may obtain a certificate of birth resulting in stillbirth by contacting the Bureau of Vital Statistics to request the certificate and paying the required fee; and

3. How a parent may contact the Bureau of Vital Statistics to request a certificate of birth resulting in stillbirth.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-31

Rule 5.2.6. If the delivery of a dead fetus occurred on a moving conveyance within the United States and the fetus is first removed in this state, the delivery shall be registered in this state, and the place of delivery shall be the place where the fetus is first removed. When a delivery occurs on a moving conveyance while in international waters or airspace, or in a foreign country, and the fetus is first removed from the conveyance in this state the delivery shall be registered in this state but the fetal death report shall show the actual place of delivery insofar as can be determined.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 5.2.7. The name of the fetus shall be entered in accordance with Rule 5.3.2. The name of the father and other information about the father shall be entered in accordance with Rule 5.3.3. If a name is not provided, “baby boy” or “baby girl” and the last name of the parent shall be inserted.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 5.2.8. In the case of multiple fetuses, a separate report shall be submitted for each fetus.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 5.2.9. Institution reports

On the first day of each month, each institution which accepts patients for delivery shall prepare a list of all spontaneous fetal deaths occurring in that institution during the preceding month. This list shall be on the form prescribed and furnished by the State Department of Health and shall be submitted to the State Registrar. If there were no spontaneous fetal deaths, a report shall be submitted showing that there were none.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 3. Paternity and Name of Fetus

Rule 5.3.1. As with a live born child, when a reportable fetal death occurs, the surname of the fetus is traditionally the same as the father if the mother and father were married, at the time of conception or delivery or at any time between conception and delivery. If the mother and father were not married the name of the fetus and/or paternity may be established in accordance with Rules 5.3.2 and 5.3.3.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Rule 5.3.2. Paternity

Paternity shall be determined in the following manner:

1. Mother married. If the mother was married at the time of either conception or delivery, or at any time between conception and delivery, the name of the husband shall be entered on the fetal death report as the father of the fetus, unless paternity has been determined otherwise by a court of competent jurisdiction.

2. Mother not married; no acknowledged father. If the mother was not married at the time of either conception or delivery, or at any time between conception and delivery, and there is no Acknowledgement of Paternity affidavit filed and no determination of paternity by a court of competent jurisdiction, the name of the father shall not be entered on the fetal death report.

3. Mother not married; acknowledged father. If the mother was not married at the time of conception or delivery, or at any time between conception and delivery, and the natural father acknowledges such paternity, the name of the father shall be entered on the fetal death report. Such acknowledgement shall be made by affidavit of both mother and father on the form prescribed by the Department of Health and filed with the Office of Vital Records.

4. Court-determined paternity. Any petition, bill of complaint, or other proceeding filed in a court of competent jurisdiction may result in a determination of paternity. The name of the father as determined by said court shall be entered on the fetal death report upon receipt of a certified copy of the court judgment. Court determined paternity shall take precedence over all other methods of assigning paternity.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-23; Miss. Code Ann. §93-9-9; Miss. Code Ann. §93-9-28

Rule 5.3.3. Surname of fetus

The surname of the fetus shall be determined in the following manner:

1. Mother married. If the mother was married at the time of conception or delivery, or at any time between conception and delivery, the surname of the fetus shall be that of the husband except that a statement, signed by both the listed

mother and husband, and witnessed by a health facility representative, filed at the same time the fetal death report is filed may alter this rule.

2. Mother not married; no acknowledged father**.** If the mother was not married at the time of conception or delivery, or at any time between conception and delivery, the surname of the fetus shall be that of the legal surname of the mother, except that a statement, signed by the listed mother and witnessed by a health facility representative, filed at the same time the fetal death report is filed may alter this rule.

3. Mother not married; acknowledged father**.** If the mother was not married at the time of conception or delivery, or at any time between conception and delivery, and the natural father acknowledges such paternity, the surname of the fetus shall be that of the father except that a notarized Name of Child form signed by both the listed mother and the acknowledged father, witnessed by a health facility representative, and filed at the same time the fetal death report is filed may alter this rule.

4. Court-determined paternity. In the event of court-determined paternity, the surname of the fetus shall be that of the father, unless the judgment specifies otherwise.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-23; Miss. Code Ann. §93-9-9; Miss. Code Ann. §93-9-28

Subchapter 4. Preparation and issuance of a certificate of birth resulting in stillbirth

Rule 5.4.1. Within sixty (60) days of a request and payment of the required fee by a parent named on the fetal death report, a Certificate of Birth Resulting in Stillbirth shall be prepared and issued to the requesting parent. Such a certificate shall contain no less than the date of the stillbirth; the county in which the stillbirth occurred, the state file number corresponding to the fetal death report, and the statement "This certificate is not proof of live birth."

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-57-31

Chapter 6. Induced Terminations

Subchapter 1. Introduction

Rule 6.1.1. Induced terminations are subject to statistical reporting requirements. No vital records are made or kept and therefore no certified copies of these records can be issued. Any records submitted are destroyed as soon as the statistical analyses have been completed. Any identifying information gathered under these statutes is strictly confidential and may not be released.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 2. Reporting

Rule 6.2.1. Requirements

Each induced termination of pregnancy which is performed in this state shall be reported to the State Registrar of Vital Statistics within fifteen (15) days of the procedure on a form prescribed or furnished by the Mississippi State Department of Health. Patients are to be listed by identification number only and not by name. The attending physician shall prepare, or cause to be prepared, sign and file the report.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-41-407(3)

Rule 6.2.2. Institution reports

On the first day of each month, each facility in which induced terminations of pregnancy are performed shall prepare a list of all induced terminations performed in that facility during the preceding month. The list shall be on forms prescribed and furnished by the State Department of Health and shall be submitted to the State Registrar. Patients are to be listed by identification number only and not by name. If there were no induced terminations of pregnancy at a facility during the month, a report shall be submitted showing that there were none.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7

Subchapter 3. Complications Resulting from Induced Terminations

Rule 6.3.1. Reporting requirements

A physician shall file a written report with the Department of Health regarding each patient who comes under the physician's professional care and requires medical treatment or suffers death that the attending physician has a reasonable basis to believe is a primary, secondary, or tertiary result of an induced abortion.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-41-77

Rule 6.3.2. These reports shall be submitted within thirty (30) days of the discharge or death of the patient treated for the complication.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-41-77

Rule 6.3.3. The report shall not contain the name of the woman, common identifiers such as her social security number or motor vehicle operator's license number or other information or identifiers that would make it possible to identify in any manner or under any circumstances an individual who has obtained or seeks to obtain an abortion.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-41-77

Rule 6.3.4. Standardized report forms shall be developed and distributed or made available online in a downloadable format to all medical professional organizations, licensed physicians, hospitals, emergency rooms, and abortion facilities, Department of Health clinics, and ambulatory surgical centers operating in the state.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-41-77

Rule 6.3.5. Each report of medical treatment following abortion shall contain the following information:

1. The age and race of the patient

2. The characteristics of the patient, including residency status, county of residence, marital status, education, number of previous pregnancies, number of stillbirths, number of living children and number of previous abortions

3. The date the abortion was performed and the method used if known

4. The type of facility where the abortion was performed

5. The condition of the patient that led to treatment, including, but not limited to, pelvic infection, hemorrhage, damage to pelvic organs, renal failure, metabolic disorder, shock, embolism, coma or death

6. The amount billed to cover the treatment of the complication, including whether the treatment was billed to Medicaid, insurance, private pay or other method. This should include charges for physician, hospital, emergency room, prescription or other drugs, laboratory tests and any other costs for the treatment rendered.

7. The charges are to be coded with the current ICD medical coding classification system in such a way as to distinguish treatment following induced abortions from treatments following ectopic or molar pregnancies.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-41-78

Rule 6.3.6. Summarized aggregate data from the reports shall be included in the annual Vital Statistics Report

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-41-77

Rule 6.3.7. The reports shall be retained for five (5) years after the date the report is received, then each individual report shall be destroyed.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-41-77

Rule 6.3.8. Disclosure of the reports or the contents of the reports in a manner or fashion which would permit the identification of the person who is the subject of the report is prohibited.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-41-77

Rule 6.3.9. Disclosure of confidential identifying information shall constitute a felony which, upon conviction, shall be punished by imprisonment in the State Penitentiary for not more than three (3) years, or a fine of not more than five thousand dollars ($5,000.00) or both.

SOURCE: Miss. Code Ann. §41-57-1; Miss. Code Ann. §41-57-7; Miss. Code Ann. §41-41-77