



## Announcing the 2011 Regional Conference Series

**JOIN US** All persons involved in the completion and registration of births, deaths, marriages, and acknowledgments of paternity in Texas are recommended to attend.

Topics include issues impacting these individuals as well as new legislation affecting vital registration in Texas and how they will affect county and district clerks, city health department staff, physicians, funeral directors, hospice facilities, hospitals, and birthing centers. *More on p.7.*

### WACO

July 11

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July 13

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## Texas Electronic Registrar: A Success Story

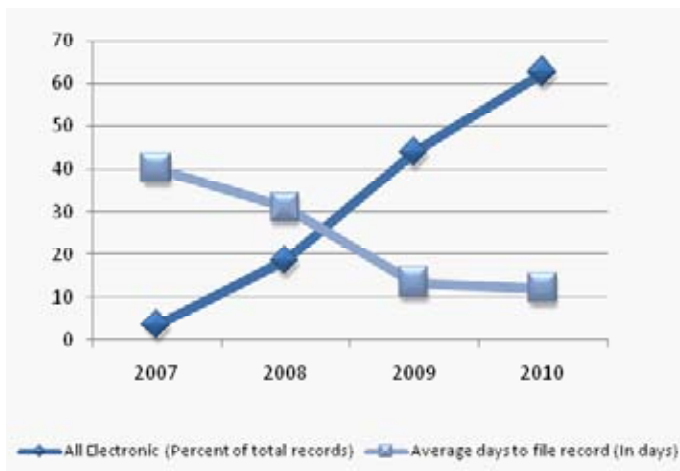
Since the implementation of the death application for the Texas Electronic Registrar system, the results the system has produced have been rather extraordinary. Following the passage of HB 1739 in 2007, the Health and Safety Code was amended to require the use of an electronic system in the death registration process. Since the implementation of the Texas Electronic Registrar system (TER), the steady increase in the number of records being filed totally electronically has directly corresponded with a significant decrease in the amount of time it takes to file a death record.

As the chart below illustrates, since 2007 the number of death records filed in the state of Texas has remained fairly constant, however the time it takes to file a death record with the State has been reduced

from just over 40 days in 2007 to just over 12 days in 2010. This drop directly correlates with an increase in the percentage of records being filed totally electronically. In 2007, only 5,719 or 3.5% of all death records were filed totally electronically. In 2008 that number increased to 31,273 or 18.5% of all death records filed, and in 2009, most likely a result of the efforts to increase TER usage, the number of records filed totally electronically more than doubled to 73,261, or nearly 44% of all death records.

State law requires that all death records be filed and released to the State within ten days of the date of the death. In 2007 the average time needed

to file a death record was just over 40 days; however this number has steadily declined during the past three and a half



## 2011 MRC Graduate Project

2011 MRC Graduate Project: Each year all of the Master Registrar Certification (MRC) course graduates come together as a group to work on a project. It is strictly a volunteer effort – but the knowledge and experience of these graduates greatly enhances the outcome of the project. This year the graduates worked on researching and proposing a certification course for birth registrars. This course would be similar to the local registrars Master Registrar Certification (MRC) course; but pertaining to birth registration. The results of the project will be available at the 2011 annual conference; and the new project will be introduced at the conference.



## What you need to know about Open Records

Requests to take pictures of open records are on the rise... Here are a few things to remember

VSU is often asked if someone can come and take pictures of the birth and death certificates that have become open records. The answer is no. If someone wants to obtain an image of a record, the person must fill out an application for each record and pay for a certified copy of each record.

In 1992, Senator John Whitmire asked the Office of Attorney General whether the San Antonio Metropolitan Health District might limit public access to and charge a search fee for locating birth and death records that are public by the Opens Records Act.

In the summary of his opinion, Attorney General Morales states, "The San Antonio Municipal Health District Registrar of Vital Statistics, a local registrar under section 191.022 of the Health and Safety Code, cannot allow

inspection of original birth records over [75] years old and death records over 25 years. While such records are not excepted from disclosure under the Open Records Act, the local registrar is required to provide copies and to charge a fee, by virtue of the Health and Safety Code, title 3, which governs vital statistics records, and regulations and instructions promulgated there under, 25 T.A.C. ch. 181; Bureau of Vital Statistics Manual for Local Registrars."

Attorney General Morales states in this opinion that:

"Pursuant to his authority under section 191.004 of the Health and Safety Code, the state registrar has issued the Bureau of Vital Statistics Manual for Local Registrars (hereinafter "Manual") which governs the accessibility of vital statistics records in the

hands of local registrars. It provides in pertinent part:

*An individual requesting records which fall under the open records act must identify the record requested. No reason for the request need be presented. However, they must give enough information in order for the record to be properly searched and identified. Just because the record falls under the open records*

*"A person who is trying to obtain a copy of a record would need to identify the record in writing."*

*act does NOT mean that the books themselves are open for persons to thumb through. The Registrar is still responsible for the integrity and preservation of the record. Once the record is located, a plain copy or certified copy will be made and given to the individual making the request. . . .*

*Standard fees shall be*  
*continued on page 6*



## A Word About Site Visits...

As many of you know, the Vital Statistics Unit is actively conducting site visits with local registrar offices. This year alone, we have visited over 50 offices across the state of Texas. The site visits are mutually beneficial for Field Service Representatives and Local Registrars. Local Registrars better understand their role with vital registration, and Field Representatives learn more about the challenges Local Registrars face.

During our site visits, Field Representatives have observed several best practices that we believe might be beneficial to others. For example, the City of Dallas, Bureau of Vital Statistics modified their application to include a designated space on the front of the application for a photocopy of the applicant's identification. A special setting on the copier ensures that the copy prints in the designated space. A copy of the applicant's identification on the front of the application, instead of the back or on a separate sheet of paper, helps them reassure they have received the proper identification.

Another best practice we identified has to do with fees owed to The Comptroller. The Health and

Safety Code 191.022(f) requires any local registrar who collects a fee for the sale of a certified copy of a birth certificate to remit \$1.80 of that fee to the Comptroller. Many local registrars do not register births on regular basis because they do not have a birthing hospital in their area. Therefore, they do not sell many certified copies of birth certificates, and do not submit the Civil Fees Quarterly Report form (Form #40-141) to the Texas Comptroller. During our site visits, we met with several local registrars, who submit the quarterly report, even though they did not sell any birth certificates, as proof that there are no fees to submit to The Comptroller. We believe this is a great practice and encourage all local registrars to do the same.

During our site visits we may also make recommendations for improvements. One item we frequently recommend is to have a Transition Plan in place. To assure that vital registration continues during administrative changeovers, a written procedure will help the next administration during the changeover. This can be as simple as providing instructions on who to contact at VSU, how to order paper, how to get a user ID and password for

TER, etc.

Another recommendation we frequently make is to have procedures written down. Many of you can do this job proficiently in your sleep. However, what happens if you are not available and no one else knows the job? Unexpected events can occur, so it is important to have a written training and instruction manual in place to ensure ongoing customer service. For example, if someone comes in to request a certified copy of a birth record, a new worker is able to look up instructions in the manual.

Do not worry about having a site visit. We are not going to show up unannounced. We will contact you at least three weeks prior to our visit to set up a time and day for us to visit. The site visit will last approximately two to three hours, depending on the office. More information on the Local Registrar Site visits will be available at our Vital Statistics Regional Summer Conferences. To register for one of the conferences visit our website at [www.summer2011.texasvsu.org](http://www.summer2011.texasvsu.org)

## Be Prepared A Quick Checklist of Some Things We Look For During Site Visits

Local registrar training manual

Process for records preservation

Emergency / disaster plan

Transition plan for new administration

Schedule of fees charged to the public for vital records\ services

Procedure to ensure the state receives \$1.80 payment to the State Comptroller for the sale of every birth certificate in your office.

Procedure to ensure the state receives \$1.83 Remote Issuance payment (if applicable)

Procedure for issuing burial transit permits after regular business hours.

Procedure for reconciling reports of death with corresponding death certificates.

Procedure for using the remote birth system (if applicable)

Procedures for signing vital records in the local registrar's absence

Procedures for tracking funeral home and medical certifier activity

REGIONAL  
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## Join Us!

By participating you can:

Be in compliance with laws relevant to Vital Registration

Meet 5 Star Award requirements

Earn CEU/CME credit

Network with peers

Meet your VSU area representatives

Obtain AOP Re / Certificaton

Fraud Prevention training

Get the latest legislative updates

Learn about Local Registrar Site Visits

## Courses

Courses meet criteria for compliance of Vital Registration. Sessions are available for:

- Local Registrars
- Physicians
- Justices of the Peace
- Funeral Homes
- Birth Registrars
- Vital Registration office / facility staff

## Continuing Education

Continuing Education accreditation is being submitted for:

*Continuing Medical Education*

*Texas DSHS Midwifery Program*

*American Health Information Management Association*

*Texas Funeral Service Commission*

*Texas Justice Court Training Center*

*County & District Clerk's Association of Texas*

## Registration

Conferences will begin at 8:30 a.m. and end at 5:00 p.m. Lunch and snacks will be provided.

The registration fee for attendees is \$100. Early registration ends one week before the conference date. For payments sent after that date add \$20.00.

To register, please go to the Texas Public Health Association website at: <http://texaspha.org> and click on Events.

For information regarding registration contact Terri Pali: 512-336-2520  
[txpha@aol.com](mailto:txpha@aol.com).

*"I enjoyed the smaller classes because we had more interaction with the speakers."*

*"One day of training is easy to manage."*

*"The conference was very helpful and the location was good because they have cut our travel expenses...with this we can qualify for the five star award."*

*- Past participants*

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## *Course Descriptions*

### ***Birth Registration in Texas: What are your responsibilities?***

In this session we will be providing information on the importance of timely and accurate birth registration. Birth registrars will also learn their responsibilities involving birth registration, en-route births, foundlings, gestational agreements, and non-institutional births.

### ***Electronic Death Registration in Texas***

This session will highlight the importance of death registration and guide attendees through the process of registering a death in TER.

### ***Request Processing: What is done after the record is filed?***

In this session we will provide instructions on how to properly issue certified copies, helping customers complete amendment forms, open records request for birth and death records, Delayed Registration, the Paternity and Acknowledgement of Paternity Registries and more.

### ***County Clerk Marriage License Issuance and Legislative Update***

In this session we will be going over the basic laws of marriage issuance as well as providing an update regarding any new legislation that was passed that will have an impact on county clerk functions. We will also address some of the frequently asked questions that we received throughout the past year.

### ***AOP Certification Course***

Session will provide Acknowledgement of Paternity Certification from the Office of the Attorney General. Receive updates on new legislation. Please bring your existing AOP manuals.

### ***Birth Registration Statutes***

In the session we will be providing information on the statutes and codes relevant to birth registration. Unusual birth scenarios and information from frequently asked questions will be used to develop the materials for this session. The statutes will be presented in the form that will empower the attendees to use the statutes in dealing with birth registration situations.

### ***Electronic Local Registration***

In this session we will be providing information on various local registrar functions in the Texas Electronic Registrar system. The session content will be based on frequently asked questions received by the TER Support staff and Vital Statistics Unit.

### ***Death Registration Statutes***

This session will focus on statutes and codes relevant to death registration in Texas. Interactive activities will help attendees become more familiar with this information, and how it relates to their work activities.

### ***Local Registration Statutes***

This will be an interactive session examining some of the basic statutes relevant to Local Registration issues. The statutes will be presented in the form of a guided discussion from the Local Registrar point of view and will empower learners to use the statutes in dealing with situations they regularly face. The scenarios described during this session were developed through frequently asked questions received by the Vital Statistics Unit.

**TER:**  
**A Success Story**  
*continued from cover*

years. In 2008, full implementation of the law began and the number of days needed to file a death record fell by nine to just over 31 days. The sharpest decline came in 2009, not surprising as efforts to uphold the TER usage statutes were being implemented. The average time to file a record fell from just over 30 days in 2008 to just over 13 days in 2009. In 2010 that number has continued to decrease to just over 12 days showing just how effective TER usage can be.

The numbers through April 30th of this year offer plenty of reason for optimism. So far there have been 51,982 records received by the State this year and over 78% of them have been filed totally electronically, in an average time of just over 10 days per record, very near the time allowed by statute.



**What you  
need to know  
about  
Open Records**  
*continued from page 2*

*charged for all services rendered as published by the Board of Health and the Bureau. Manual, IV. ADMINISTRATIVE DIRECTIONS, D., at U9-10 (emphasis in original).*

*As noted above, it is the position of the municipal health district's registrar of vital statistics that birth records over 75 years old and death records over 25 years are not available for public inspection in the interest of preservation and may be obtained only upon payment of a [\$20.00] search fee. This position is consistent with the foregoing regulations and the Manual as they apply to local registrars. Indeed, the Manual together with the regulations require local registrars to prohibit physical access to these records and to charge a fee for searching for them. See *id.*; 25 T.A.C. §§ 181.10(b)(1), 181.22. Thus, we must determine whether the state registrar's instructions to local registrars are inconsistent with the Open Records Act. We conclude that they are not.*

*This office has generally held that statutes which govern access to specific information prevail over the generally applicable Open Records Act. See, e.g., Open Records Decision Nos. 598 (1991); 478 (1987); 451 (1986). While birth records over 75 years old and death*

*records over 25 years old are not exempt from disclosure under the Open Records Act and must be made available to the public, title 3 of the Health and Safety Code and the regulations promulgated there under govern more specifically how these particular records are to be made available to the public. Thus, we conclude that these requirements prevail over the more general Open Records Act provisions regarding inspection and copying of public records. See V.T.C.S. art. 6252-17a, §§ 4, 4A, 5, 9, 13; see also Attorney General Opinions MW-163 (1980) (Open Records Act cost provisions do not repeal fee schedules for copies established by other statutes); H-560 (1975) (same)."*

Even though birth records over 75 years of age and death records over 25 years are open to public, those records still fall under Vital Statistics Rules and Regulations. A person who is trying to obtain a copy of a vital record will need to identify the record on a completed application form [Title 25 TAC 181.1(13)], provide identification [Title 25 TAC 181.1 (13)], and pay the required fee [Title 25 TAC 181.22]



## Confidentiality

Confidentiality is crucial when working with vital records, which is why it is something we frequently talk about. Birth and death records contain personal information that identify a person, such as a name or social security number, or indirectly, such as parents' names or mailing addresses. This personal information requires protection in order to prevent identity theft, and also because it is the law. Birth and death records are considered confidential, and exempt under the Public Information Act, except that 1) A birth record is public information and available to the public on and after the 75th anniversary of the date of birth as shown on the record filed with VSU or local registration official; 2) A death record is public information and available to the public on and after the 25th anniversary of the date of death as shown on the record filed with VSU or local registration official [GC Section 552.115(a-1,2)]. This means that only properly qualified applicants can obtain copies of birth and death records until the records becomes available to the

public. Remember that a properly qualified applicant is "The registrant, or immediate family member either by blood, marriage or adoption, his or her guardian, or his or her legal agent or representative." [TAC 181.1(22)]

It is beneficial to periodically review and update processes used to protect confidential records. Some best practices include: 1) Keeping confidential records locked up and secure, when not being used; 2) When confidential records are in use, whether by themselves or viewed on computer monitors, keep them out of the sight of persons not authorized to access the record; 3) If you are keeping a General Index, or any personal information in an electronic form on a computer, make sure access is secured by all available means (including keyboard locks, passwords, office locks, etc.) Computers with confidential information should never be in an open, unsecure space or available to the public.

It is also important to keep up with advances in technology and to be mindful about how new technology impacts our daily work. For example, some offices are starting to implement office policies to limit the use of cameras, including camera phones, in designated areas where vital records are kept. These policies are being developed to prevent privacy violations, and any unauthorized disclosure of confidential information. Although the law does not specifically address the use of cameras at this time, cameras do pose a risk to confidentiality. Simply consider how quickly a picture can be taken and posted on the internet and it is easy to see the importance of limiting the use of cameras in proximity with closed records. If this is something your office wants to consider, there is a wealth of information on the internet addressing camera phone policies in the workplace. You can also seek advice from your legal counsel.

## New to Field Services

### Tara Carmean

Tara Carmean started with the Vital Statistics Unit in March 2011. She is currently the Field Representative for the Panhandle Region. Tara has a Bachelor of Arts in Sociology from the University of Minnesota, and a Masters of Social Work from the University of Texas at Austin. Before joining the State, Tara worked for several non-profit organizations. She has a range of experience with direct practice and research positions, such as working with oncology patients and collecting data for a national clinical trial on diabetes.

### Lloyd Shangreaux

Lloyd Shangreaux joined the Vital Statistics Unit in January 2011 as the Area Representative for Regions 5 and 6 (East Texas/Houston). Before joining the State, Lloyd worked as an administrator for a nonprofit organization providing mental health services for youth with Severe Emotional Disturbance. Lloyd is a two time graduate of the Montana State University at Billings earning a Bachelor of Applied Science and a Master of Public Administration. He has an extensive background in administration, community relations, and training.

## Coming Soon! TER Birth Online Training

### ATTENTION: Birth and Local Registrars

In 2009, the Vital Statistics Unit introduced the TER-Death online training for local registrars, medical certifiers and funeral homes. This training made it possible for these participants in the TER- Death certification process to understand the system much better. We are now in the process of developing a



TER-Birth online training program for birth registrars and local registrars. The training will encompass all aspects of registering a birth record in TER. Our goal is to assist the birth registrars in improving the data collected on the birth record and to use the training as a tool for new staff members. The TER – Birth online training should be available in 2012.

Texas Vital Statistics  
Department of State Health Services  
PO Box 149347  
MC1966  
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David Lakey, M.D.  
Commissioner

## Resources

- **TER Helpdesk**  
Email: [HELP-TER@TexasVSU.org](mailto:HELP-TER@TexasVSU.org)  
Phone: 888-963-7111 x3490
- **TER Online Training**  
<https://TexasVSU-ed.org>
- **Field Services**  
[www.TexasVSU.org](http://www.TexasVSU.org)  
512.458.7111 Austin  
888.963.7111 Toll Free

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TC9990301 Design  
Iris Rodriguez  
Tara Carmean

### FOR MORE INFORMATION

(512) 458-7111  
(888) 963-7111  
[registrar@dshs.state.tx.us](mailto:registrar@dshs.state.tx.us)  
[www.texasvsu.org](http://www.texasvsu.org)