

Office of Regulatory Management
Economic Review Form

Agency name	State Board of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12VAC5-550
VAC Chapter title(s)	Board of Health Regulations Governing Vital Records
Action title	Amend Regulations Following Statutory Changes
Date this document prepared	4/12/2023
Regulatory Stage (including Issuance of Guidance Documents)	Fast Track Action

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute, or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>There are no monetized costs associated with any of the proposed regulatory changes.</p> <p>There are no monetized benefits associated with the proposed changes to the following sections:</p> <ul style="list-style-type: none"> • 12VAC5-550-5 • 12VAC5-550-20 • 12VAC5-550-30 • 12VAC5-550-50 • 12VAC5-550-60 • 12VAC5-550-130 • 12VAC5-550-140 • 12VAC5-550-9998 (FORMS) • All style and form changes throughout the chapter <p>The monetized benefits associated with the proposed changes are detailed below:</p> <ul style="list-style-type: none"> • The regulatory action will amend the Certificate of birth resulting in a stillbirth regulation (12VAC5-550-125) removing the requirement of a fee to be established for this certificate type. This action is required to conform to Chapter 171 of the 2022 Acts of Assembly. Benefits: Individuals requesting a certificate of birth resulting in a stillbirth will no longer be charged a \$12 fee. From 2018 through 2020, the Office of Vital Records issued 229 of these certificates, equaling an average savings of \$916 per year if fees were not charged during that time period. • The regulatory action will amend the Change of sex (12VAC5-550-320) to update the requirements for changing the sex on a birth certificate to conform to Chapter 466 of the 2020 Acts of Assembly. Benefits: Individuals seeking to change the sex on their birth certificate can now accomplish this through a simplified administrative process that does not require court costs. Legal fees can range widely, so VDH does not have a way to calculate this potential benefit. • The regulatory action will amend the Applications for correction (12VAC5-550-440), Evidence required for corrections or amendments (12VAC5-550-450), and Methods of correcting or altering certificates (12VAC5-550-460) to allow information on a death certificate to be amended with supporting evidence for 45 days after the filing of the death certificate, and to clarify amendment forms and processes to create internal consistency within the Regulations. This action is required to conform to Chapter 117 of the 2022 Acts of Assembly. The change to Section 460 is to conform to § 32.1-269 (B) of the Code of Virginia.
---	---

	Benefits: Individuals seeking to amend a death certificate no longer need to pay court fees to obtain a court order to request an amendment to the decedent’s name, informant’s name, name of spouse, marital status, name of parents, and place of residency when outside of the Commonwealth if an amendment is made within 45 days of filing the death certificate. Legal fees can range widely, so VDH does not have a way to calculate this potential benefit.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$9,160 (over 10 years)
(3) Net Monetized Benefit	\$8,048	
(4) Other Costs & Benefits (Non-Monetized)	<p>There are no non-monetized costs for any of the proposed changes. Non-monetized benefits for the following changes are listed below:</p> <ul style="list-style-type: none"> <p>● The regulatory action will amend Definitions (12VAC5-550-5). Minimal updates clarify the language used in the Regulations to support a clearer understanding of the requirements and information included in 12VAC5-550.</p> <p>Benefits: Individuals will benefit inasmuch as the regulatory language will be clearer and easier to understand.</p> <p>● The regulatory action will repeal 12VAC5 – 550-20, 12VAC5 – 550-30, 12VAC5 – 550-50, 12VAC5 – 550-60 which are not regulatory in nature</p> <p>Benefits: The benefit of this change is to reduce the length of the regulation by removing unnecessary language.</p> <p>● The regulatory action will amend the Marriage return and certificate items (12VAC5-550-130) and Report of divorce or annulment items (12VAC5-550-140), removing the item “race” on marriage and divorce certificates. This action is required to comply with Chapters 209, 210, and 211 of the 2020 Acts of Assembly.</p> <p>Benefits: The benefits of this change are that the regulations will comply with the Code of Virginia.</p> <p>● The regulatory action will amend the Change of sex (12VAC5-550-320) to update the requirements for changing the sex on a birth certificate to conform to Chapter 466 of the 2020 Acts of Assembly.</p> <p>Benefits: The change will conform the regulation to the Code, reducing confusion about the process to change the sex on their birth certificate.</p> <p>● The regulatory action will amend the Applications for correction (12VAC5-550-440), Evidence required for corrections or amendments (12VAC5-550-450), and Methods of correcting or altering certificates (12VAC5-550-460) to allow information on a death certificate to be</p> 	

	<p>amended with supporting evidence for 45 days after the filing of the death certificate, and to clarify amendment forms and processes to create internal consistency within the Regulations. This action is required to conform to Chapter 117 of the 2022 Acts of Assembly. The change to Section 460 is to conform to § 32.1-269 (B) of the Code of Virginia.</p> <p>Benefits: The change will conform the regulation to the Code, reducing confusion about the process to amend a death certificate.</p> <ul style="list-style-type: none"> ● In addition to the substantive changes mentioned above, several style and form changes are also being made to conform the language to the <i>Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code</i>. If these changes were promulgated in their own action, they would be exempt from the requirements of Article 2 of the Administrative Process Act, pursuant to § 2.2-4006 (A)(3): Benefits: The language will conform to the <i>Form and Style Requirements</i> and be clearer and more readable. ● The regulatory action will amend the Fees (12VAC5-550-520) to document the fee charged for a vital record as established by Chapter 534 of the 2013 Acts of Assembly and the 2004 Budget Bill – (Chapter 4). Benefits: Individuals will benefit insomuch as the Regulatory language will be clearer and easier to understand when it is consistent with the Code. ● The regulatory action will amend the Forms (12VAC5-550-9998) to document and link to forms that are explicitly referenced in these amendments, while removing those forms not referenced in the Regulations, and updating the effective dates. Benefits: Forms will be easier to find.
(5) Information Sources	Report of the number of certificates of birth resulting in stillbirth issued from the Virginia Vital Events and Screening Tracking System (VVESTS) for years 2018 - 2020

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Monetized costs and benefits:</p> <p>The changes made in this action are required to conform to Chapters 116, 117, and 171 of the 2022 Acts of Assembly; Chapters 209, 210, 211, 465, and 466 of the 2020 Acts of Assembly; Item 290 (A), Chapter 2, 2022 Acts of Assembly, Special Session I; and § 32.1-269 (B). These changes are non-discretionary.</p> <p>The repeal of sections 20, 30, 50, and 60 is intended to conform the chapter to the definition of a “regulation” in § 2.2-4001 and reflect the intent of 1VAC7-10-40(C), which indicate that the provisions are non-regulatory in nature and should be omitted from the regulation.</p>
--	---

	<ul style="list-style-type: none"> • The “status quo” option would be to just leave the sections in the regulation. There are no costs or benefits associated with that option. <p>The style and form changes are to conform with the <i>Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code</i> and could be considered non-discretionary.</p> <ul style="list-style-type: none"> • The “status quo” option would be to leave the language in its current style and form, for which there are no associated costs or benefits. 	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Net Monetized Benefit	\$0	
(4) Other Costs & Benefits (Non-Monetized)	There are no non-monetized costs or benefits from maintaining the “status quo” option.	
(5) Information Sources		

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Monetized costs & benefits: This regulatory action has no monetized costs or benefits.</p> <p>The changes made in this action are required to conform to Chapters 116, 117, and 171 of the 2022 Acts of Assembly; Chapters 209, 210, 211, 465, and 466 of the 2020 Acts of Assembly; Item 290 (A), Chapter 2, 2022 Acts of Assembly, Special Session I; and § 32.1-269 (B). These changes are non-discretionary and not subject to consideration of alternative approaches.</p> <p>The repeal of sections 20, 30, 50, and 60, along with the style and form changes, make no substantive changes to regulatory requirements associated with the chapter, are non-regulatory, and do not affect the rights or powers of any person or agency. As such, there are no viable alternative approaches to be considered.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Net Monetized Benefit	\$0	

(4) Other Costs & Benefits (Non-Monetized)	There are no non-monetized costs or benefits under alternative approach(es) associated with this regulatory action:
(5) Information Sources	

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	Monetized costs: No monetized costs to local partners are associated with this regulatory action. Monetized benefits: There are no monetized benefits to local partners associated with this regulatory action.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	There are no non-monetized costs or benefits to local partners associated with this regulatory action.	
(4) Assistance		
(5) Information Sources		

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	Monetized costs: There are no costs to families associated with this regulatory action. Monetized benefits: As stated in Table 1a, families who experience a stillbirth within the Commonwealth and require a certificate of birth resulting in a stillbirth will not be required to pay the \$12 administrative fee for the certificate (12VAC5-550-125).	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a) \$0	(b) \$916/year benefits throughout the entire Commonwealth.
(3) Other Costs & Benefits (Non-Monetized)	<p>Style and form changes made to regulations to conform to the <i>Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code</i> will make the regulatory language clearer, easier to understand, and more readable.</p> <p>Removing forms not referenced in the regulations will make the forms easier to find by family members.</p>	
(4) Information Sources		

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Costs: none.</p> <p>Benefits: none.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$0	(b) \$0
(3) Other Costs & Benefits (Non-Monetized)	There are no other costs or benefits to small businesses associated with this regulatory action.	
(4) Alternatives		
(5) Information Sources		

Changes to the Number of Regulatory Requirements

For each individual VAC Chapter amended, repealed, or promulgated by this regulatory action, list (a) the initial requirement count, (b) the count of requirements that this regulatory package is adding, (c) the count of requirements that this regulatory package is reducing, (d) the net change in the number of requirements. This count should be based upon the text as written when this stage was presented for executive branch review. Five rows have been provided, add or delete rows as needed. In the last row, indicate the total number for each column.

Table 5: Total Number of Requirements

	Number of Requirements			
Chapter number	Initial Count	Additions	Subtractions	Net Change
12VAC5-550 (only the sections included in this action)	33	13	13	0
TOTAL	33	13	13	0