STRENGTHENING THE TEXAS BIRTH RECORD INFORMATION SYSTEM

Vital Statistics Unit
Texas Department of State Health Services

September 1, 2012
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EXECUTIVE SUMMARY

Over the past decade, technological innovation, government regulations, and citizen expectations have radically changed how individuals access and utilize personal information. An individual’s first record of personal information – the birth record – must be securely and effectively managed to serve the range of purposes the record has come to fulfill.

Authority
The Texas Department of State Health Services, in conjunction with the workgroup established as a provision of the General Appropriations Act (Article II, Texas Department of State Health Services, Rider 72, H.B. 1, 82nd Texas Legislature, Regular Session, 2011), developed a set of recommendations that addresses the security and effectiveness of the state’s birth record information system. Specifically, the workgroup:

1. Evaluated the effectiveness and security of the state’s birth record information system;
2. Evaluated the feasibility of restructuring and upgrading the birth record information system and documents with advanced technology to prevent fraud and reduce inefficiency;
3. Identified the roles and responsibilities of the Texas Department of State Health Services, local governments, and others in a central issuance birth record information system; and
4. Identified ways to leverage private sector investment and user fees to restructure and upgrade the birth record information system and documents without the use of general revenue funds.

This report describes the issues identified by the workgroup and other stakeholders and the recommendations developed in response to those issues.

Overview
As part of its review of the state’s birth record information system, the State Registrar of the Texas Department of State Health Services convened a workgroup comprising representatives of:

- Office of the Governor
- Department of Homeland Security/Customs and Border Patrol
- Management Solutions Industry
- Department of Public Safety, Driver License Division
- Local Registrar’s offices
- Public Health Departments
- County Clerk’s offices
Executive Summary

- National Association for Public Health Statistics and Information Systems (NAPHSIS)
- Department of State/Passport Fraud Office
- Office of Inspector General, Health and Human Services Commission
- Centers for Disease Control and Prevention (CDC)/National Center for Health Statistics (NCHS)

The project was organized across four phases of work:

- **Current State Baseline** – this phase encompassed a review of all policies, procedures, statutes and rules related to the vital registry program and validation of the documented current state by the workgroup.

- **Best Practices Review** – this phase consisted of a review of information system and document-based security standards to determine current best practices. The Vital Statistics Unit project team surveyed and conducted interviews of other states to gain insight into their practices. The workgroup reviewed and discussed the documented practices shared by other states.

- **Opportunity Assessment** – this phase encompassed an examination of opportunities to improve effectiveness and security of information systems through the creation, use, and retirement of a birth record.

- **Report Development and Communication** – this phase involved the documentation of findings and recommendations and the development of a communication plan to report to internal and external stakeholders upon report completion and submission.

**Summary of Findings**

The following issues summarize the findings of the workgroup. For each of these issues, the report describes a recommendation for action, and outlines factors present in the current environment, the rationale for change, implementation considerations, and a summary of benefits.

1. A high level of decentralization in the local registrar function limits the state’s ability to ensure that the detailed policies and processes related to birth registration are implemented in a standardized manner, thereby risking overall security of the system.

2. Background investigations on all individuals who have the ability to create a birth record are not conducted, which contributes to the potential to create fraudulent records in the state’s birth record information system.

3. Health care providers who are authorized to register non-institutional births are licensed by various entities in the state. Today, there is not a consolidated ability to verify if these health care providers are currently licensed.

4. Evidence required by applicants for a delayed registration of birth should be specified and prioritized in more detail. Implementation of the statutes regarding documentary evidence for a delayed registration of birth through the courts may
vary across the state. These inconsistencies may contribute to a higher level of fraudulent delayed records of birth being filed.

5. The Field Services Department of VSU requires from three to five years to conduct a complete audit of sites that perform vital records functions. This time period is too long to ensure that VSU can implement the appropriate level of oversight required to ensure the security of the state’s birth record information system.

6. A single authorized user has the capability to create, certify, and release a birth record in the state’s birth record information system. A lack of system controls in the birth registration process creates a higher risk for fraudulent birth records to be generated. While the State Registrar may discontinue any institution’s or individual’s participation in electronic birth registration for failure to comply with the Texas Electronic Registrar (TER) User Agreement, the ability for VSU to enforce a practice that ensures segregation of duties is difficult to validate.

7. The majority of birth record data is manually entered into the state’s birth record information system, which creates conditions for errors, impacting the quality and integrity of the state’s vital records.

8. The birth record information system’s database structure does not currently provide the capability to properly capture some naming conventions and diacritical markers that are common naming features amongst the diverse Texas population.

9. Without reconciling the number of births that are documented as occurring in a licensed institution with the number of births registered in TER, an opportunity for fraudulent practices exists.

10. Current identification requirements to purchase a certified copy of a birth record allow for an unmanageable variety of acceptable forms of proof, and lead to complex and inconsistent practices across registration districts.

11. Currently, the ability to connect an identification document with a person is not effectively implemented for either mail-in or online requests made through the state portal, Texas.gov. Because these ordering methods represent a much larger percentage of orders for birth certificate copies than those processed in person, greater opportunities for fraud exist.

12. Local registrars who issue birth certificate copies are not uniformly equipped with the tools needed to recognize attributes of valid identification and methods used to verify and validate authenticity of identification.

13. In most cases, there are not clear, published processes that require an applicant to demonstrate their relationship to the registrant when applying to purchase a birth certificate copy.

14. Disaggregated purchasing of security paper leads to unnecessary variation of paper among issuers and the publication of security requirements in public documents.

15. The birth certificate is a document that is used for many day-to-day activities – going to school, playing in sports – but in the wrong hands serves to create a false identity, false credit lines, and other fraudulent uses. In the right hands it is a tool, in the wrong hands, a weapon, and the state should create provisions that
discourage the casual treatment of the birth certificate by parties using the
document for day to day certification practices.

16. Copies of individuals’ birth certificates are requested by and provided to
organizations as a means to verify age only, and not identity.

17. Improvements to birth record security cannot be made without the
communication, outreach, and education of all stakeholders in the process.

18. VSU is funded through a series of fees that have been amended and changed
over time. Several recommendations in this report would further refine the nature
of use of the data, and it is an appropriate time to reassess and establish a funding
structure that ensures the long-term sustainability of the oversight of this critical
asset.

19. Measures to control access to archived paper birth certificates and the paper used
to print certified copies and abstracts of birth are not uniformly applied across
locations.

20. The state does not currently utilize one standard format for the certified issuance
of a birth record, which creates unnecessary challenges in validating the birth
certificate copies by both Texas organizations and external partners.

21. The current birth record information system lacks certain security features, as
well as the ability to monitor and track system usage, and provide auditing
controls, that are critical components to safeguarding birth record data.

22. Texas does not employ national standards for providing secure electronic access
to verify birth record information with other state and federal agency programs
that provide government services or issue identification.

23. Advances in technology, expectations of customers, and government regulations
in response to terrorism have created a need to strengthen and modernize the
functionality and security of the state’s birth record information system.

24. Data warehouses, which have not been sanctioned by VSU, that are derived
through replicated data can undermine the security and integrity of the state’s
birth record information system.

25. Information about a person’s birth is made publicly available 75 years after the
date of birth. This can result in birth record information becoming publicly
available while the individual is still alive, jeopardizing the individual’s privacy
and security of personal information.

26. Texas does not perform a birth/death match for every citizen born in Texas who
dies, which leaves a significant portion of birth certificates un-marked as
“deceased.”

27. The criteria currently used to conduct the birth/death match may be insufficient
as a significant number of records not being matched.

28. Local registrars may not be systematically receiving all notifications of deaths of
individuals who were born in their jurisdictions. As a result, paper records of
selected individuals may not be stamped as “deceased,” even if the individual
has died.

29. The timely exchange of vital statistics data between Texas and other states is not
automated, which creates delays in receiving critical information to protect
citizens’ data.
30. Texans who die in the military are, on average, at an age targeted for identity theft. Consistent processes do not exist to properly process death information for this critical constituency.

**Next Steps**

The recommendations contained in this report represent specific actions that can be accomplished through changes to policy, process, and/or technology. Many of these recommendations can be implemented through administrative rulemaking or process changes within VSU. A few of the recommendations require legislative action. In combination, the recommendations are set forth as an important first step in advancing a secure and resilient birth record information system for the State of Texas.
SECTION 1

INTRODUCTION

Purpose

The purpose of this report is to assess the effectiveness and security of the state’s birth record information system in order to protect Texas residents from identity theft and reduce fraud related to vital records.

At the direction of the 82nd Texas Legislature, the Texas Department of State Health Services initiated a project to evaluate the security of the state’s birth records. The State Registrar convened a workgroup comprising representatives from the Governor's office, Department of Homeland Security, the Department of Public Safety, local registrars, the State Auditor's office, the identity management solutions industry, and other government entities. The workgroup was charged with the following:

1. Evaluate the effectiveness and security of the state’s birth record information system;
2. Evaluate the feasibility of restructuring and upgrading the birth record information system and documents with advanced technology to prevent fraud and reduce inefficiency;
3. Identify the roles and responsibilities of the Texas Department of State Health Services, local governments, and others in a central issuance birth record information system; and
4. Identify ways to leverage private sector investment and user fees to restructure and upgrade the birth record information system and documents without the use of general revenue funds.

This report describes the issues identified by the workgroup and other stakeholder and the recommendations developed in response to those issues.

Report Organization

• **Section 2: Background** provides a brief overview of the relevant factors regarding the assessment, and serves as a call to action to strengthen the security and integrity of vital records. Additionally, this section provides an overview of the management and use of birth records as a component of the national vital statistics program.

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1 2012-13 General Appropriations Act (Article II, Texas Department of State Health Services, Rider 72, H.B. 1, 82nd Texas Legislature, Regular Session, 2011).
• **Section 3: Birth Record Phases** defines and describes the key phases that comprise the life cycle of a birth record: *create, use, and retire.*

• **Section 4: Recommendations** provides a description of the recommendations for enhancing the effectiveness and security of the state’s birth record information system.

The appendices comprise:

• **Appendix A: Scope of Assessment** – description of the methodology employed for the review and assessment of the state’s birth record information system.

• **Appendix B: Governing Laws and Regulations** – description of the federal and state laws and regulations that govern the management and use of birth records.

• **Bibliography**
SECTION 2

BACKGROUND

This section provides a brief overview of the factors relevant to the assessment of the state’s birth record information system and serves as a call to action to strengthen the security and integrity of vital records. Additionally, this section provides an overview of the management and use of birth records as a component of the national vital statistics program.

Call to Action

A core function of vital records offices is the issuance of certified copies of birth and death records. Across the nation, birth certificates are issued by more than 6,400 state and local vital records offices, and are subject to each jurisdiction’s unique issuance processes and controls. A birth certificate is considered to be a “breeder” document, in that it is the base document that establishes identity for the purpose of obtaining other identification documents or gaining access to a benefit or privilege.

Certified copies of birth records, alone or in combination with additional identification, enable citizens to:
- Obtain a social security card
- Obtain a driver license
- Obtain a passport
- Obtain government services
- Enroll in school
- Participate in sports

In the hands of an imposter, a birth certificate can enable an individual to establish a false identity. Using false identities, career criminals, traffickers, fugitives, child support evaders, terrorists, and others can commit offenses such as fraud associated with insurance, banking, public assistance, organized crime, document suppliers, human trafficking, and other illegal activities.

Throughout the United States, valid birth certificates are stolen, counterfeited, forged, loaned out or sold, enabling someone to impersonate the owner of the record. Some of these incidents include:
- In 1996, more than 10 midwives in the Texas Rio Grande Valley were convicted of supplying false birth certificates to the parents of Mexican-born children, enabling the children to gain access to U.S. schools and benefits. In one instance, more than 3,400 false records were filed in a 19-year period.

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2 James Pinkerton, “Birth certificate fraud booms at border/Midwives offer access to U.S. citizenship,” Houston Chronicle, December 8, 1996.
• As of 2003, the former U.S. Immigration and Naturalization Service (now U.S. Citizenship and Immigration Services) reported seizing 2,000 American birth certificates a month from people whose citizenship claims were determined to be false. At that time, ninety percent of the fraud tracked by the El Paso Intelligence Center was grounded on authentic, not counterfeit, documents. The U.S. Department of State calculated a similar rate for birth certificates used in passport fraud.³

• In June 2012, approximately 500 blank certificates were reported misplaced within a local registrar’s office in Texas when they were moved to accommodate an upgrade to the office copy machine.⁴

**National Vital Statistics Program**

Within the United States, birth and death records form the core of vital statistics that is used for policy making, planning, management and administration of public affairs, including public health, education, population, and other economic and social concerns.

For an individual, a birth record establishes citizenship, a record of family history, and other purposes. Federal and state agencies rely on birth certificates for proof of age, proof of citizenship, identification for employment purposes, to obtain other documents (including driver licenses, social security cards, and passports) or to assist in determining eligibility for public programs or benefits.

Each of the 57 vital registration jurisdictions – 50 states, five island territories (Puerto Rico, U.S. Virgin Islands, Guam, American Samoa and the Northern Mariana Islands), the District of Columbia and New York City – is responsible for registering births, deaths, fetal deaths, marriages, and divorces. Additionally, each jurisdiction maintains individual birth and death registry systems.

Historically, vital registration jurisdictions have had responsibility for both the civil registration of vital events and the collection of public health data. Since the events of 9/11, the recognition that birth certificate issuance can create opportunities for fraud

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⁴ Vital Statistics Unit, Texas Department of State Health Services, internal email correspondence, June 27, 2012.
has served as the catalyst for a third, equally important, function of vital records offices: helping to ensure national security.\(^5\)

The National Center for Health Statistics (NCHS) is legislatively mandated to collect vital statistics annually from registration jurisdictions and to produce national health statistics through this decentralized system.\(^5\) State data is transmitted to the National Vital Statistics System (NVSS) as part of the Vital Statistics Cooperative Program (VSCP).

In 2007, the Centers For Disease Control And Prevention (CDC) commenced a five-year program – the State Vital Statistics Improvement Program – to enhance the operational efficiencies of states’ vital statistics programs and states’ ability to provide timely, high quality, and comparable data to the NVSS.\(^7\) The program is a collaborative activity between the NCHS and the National Association of Public Health Statistics and Information Systems (NAPHSIS) Foundation.

**Texas Vital Statistics Program**

The State Registrar directs the Vital Statistics Unit within the Texas Department of State Health Services (DSHS). The Registrar’s office is responsible for the creation and maintenance of a statewide system of vital statistics, which includes:

- Compilation of data pertaining to births, adoptions, paternity

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determinations, deaths, fetal deaths, suits affecting parent-child relationship, court of continuing jurisdiction, marriage applications, report of divorce, and such other necessary data [25 TAC Section 181.1 (35)].

• Amending birth, death, and fetal death records upon presentation of satisfactory evidence proving the record is incomplete or inaccurate, and attaching amendments to the legal record of the birth, death, or fetal death if the amendment is accepted for filing [HSC Section 191.028].

• Matching of birth and death records

The Vital Statistics Unit (VSU) strives to ensure the quality, security, confidentiality, and utility of its statewide system to monitor and improve public health, and to provide citizens service across each of its key functional areas. VSU works with local registrar districts across the state to maintain the same high standard.

**Texas Birth Record Information System**

VSU maintains an electronic system for managing birth, death and fetal death records, as well as paper copies of those records. Paper copies are maintained in a secured location. VSU has largely completed a project to image and index all of its paper records. Data from these imaged records will have the capability to be stored and referenced electronically.

The state’s birth record information system is a component of a statewide records system that includes electronic birth records and electronic death records. The current statewide electronic system, TER, is deployed across registration districts, licensed institutions, including hospitals and birthing centers, and funeral homes throughout Texas. The electronic birth record component of TER was implemented in 2004.

In addition to TER, the Remote Birth Access (Remote) system is deployed at various registrar offices across the state to enable remote issuance of an abstract copy of a birth certificate for a citizen regardless of where he or she was born in Texas.

**Dual Registration**

Texas supports a dual registration of birth records. Historically, the local registrar of a district in which a birth occurred would record the birth, make a copy of the birth record, and send the original to Austin to be stored in the state’s record storage facility. With the advent of technology, the process of registering a birth is now automated. All records are retained in the state’s birth record information system. The function of recording births is still performed at the local level, in licensed institutions, such as hospitals or birthing centers; or, for non-institutional births, the function of registration resides with the local registrar.

Data about selected vital events is maintained centrally within VSU, as well as locally, in statutorily designated local registration jurisdictions. These jurisdictions are overseen by local registrars, who may also serve as county clerks, city secretaries, municipal clerks, or justices of the peace, depending on the size of the jurisdiction, and whether consolidations of jurisdictions have occurred. Currently, Texas has 469 jurisdictions.
The roles and responsibilities for the State Registrar, VSU, and Local Registrars are described in the following table.

<table>
<thead>
<tr>
<th>State Registrar</th>
<th>VSU</th>
<th>Local Registrars</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Assists the public</td>
<td>• Conducts day-to-day operations of registration, maintenance and security of vital statistics records for Texans</td>
<td>• Registers selected births, such as non-institutional, that occur in their jurisdiction</td>
</tr>
<tr>
<td>• Oversees policies, procedures and technology for VSU</td>
<td>• Registers birth and death certificates for all Texans</td>
<td>• Registers deaths of individuals born in their jurisdiction</td>
</tr>
<tr>
<td>• Coordinates with state agencies to ensure appropriate use and safeguarding of vital statistics data</td>
<td>• Fulfills requests for birth, death and other vital statistics documentation</td>
<td>• Fulfills requests for birth, death and other vital statistics documentation</td>
</tr>
<tr>
<td>• Contracts with NCHS to share state vital statistics data between states, and at a national and international level, through the VSCP</td>
<td>• Maintains paper and electronic birth and death certificates for events occurring in the respective jurisdiction</td>
<td>• Maintains paper and electronic birth and death certificates for events occurring in the respective jurisdiction</td>
</tr>
<tr>
<td>• Provides expert technical assistance to support the state’s birth record information system, effective implementation of statutory requirements, and develops and delivers training and education</td>
<td>• Oversees and periodically audits operations at local registrars</td>
<td>• Coordinates with VSU</td>
</tr>
</tbody>
</table>

**LOCAL REGISTRAR**

The local registration official is required to maintain a duplicate system of records for each birth, death, or fetal death that occurs in the registrar’s jurisdiction [25 TAC Section 181.1 (19)]. The official is also responsible for issuing certified copies of records. The type of record the official can produce depends on the place of birth or death of the registrant, as well as the technology utilized by the local registrar’s office.

Local registrars maintain full legal copies of the birth and death certificates of the vital events that occurred in their jurisdiction. Applicants can purchase a certified copy of their birth record directly from the office in the jurisdiction in which they were born. Local registrars have access to the long form versions of the paper copies within their jurisdiction because of the statutory provisions for dual registration in the state and can sell certified copies to qualified applicants.

The local registrar may also have a database of information about vital statistics events for their jurisdiction. The official may utilize this database to generate the certified copy of a birth and/or death record.
Approximately 200 of the 469 local registrars utilize the Remote system. Remote connects centrally to the statewide database and enables users to print an abstract copy of a birth certificate. Local registrars may choose to use Remote to generate copies of records for individuals born in their jurisdiction.

Remote also can be used to issue certified abstract copies of birth records for registrants not born in a local registrar’s jurisdiction. For a state as large as Texas, the ability to purchase a certified abstract at any local registrar that accesses the system is a convenient service.
SECTION 3

BIRTH RECORD PHASES

For the purpose of completing a systematic assessment, the review identified three key phases that comprise the life cycle of a birth record: create, use, and retire.

Create – The initial act of creating and officially registering a birth within the State of Texas.

Use – The issuance of proof of birth through certified copies of documents, as well as the functions that support the management of birth records.

Retire – The matching of birth records with death records, and appropriately marking or flagging the birth record with a “deceased” notation after such a match occurs.

Using these common definitions of the birth record life cycle, the workgroup examined the current state, best practices employed across jurisdictions outside of Texas, and opportunities for change in each of three areas. In each area, identifications were further segmented into implementation categories: policy, process, and technology.

Policy – State of Texas policy established by state law. Recommendations on improvements would require action by the Legislature to implement.

Process – Implementation of policy into standard operating procedure. Process can be changed without legislative action, although it may require rule changes to the Texas Administrative Code (TAC).

Technology – The implementation of policy and process through automation systems, ensuring flexible and scalable solutions that support citizens and facilitate effective data management practices.

Appendix A provides additional information on the assessment methodology and the framework used to develop this report.
SECTION 4
RECOMMENDATIONS

On the following pages is a detailed description of each recommendation presented by phase: create, use, and retire.

CREATE

1. Consolidate Local Registrar Functions – Reduce the number of local registrars by prioritizing consolidation based on the following criteria: metropolitan health district, county, registration district with a population over 100,000.

2. Criminal History Background Checks – Require that all individuals who can register a birth record or interact with the birth record information system undergo a criminal history background check.

3. List of Non-Institutional Health Care Providers – Ensure that VSU and local registrars have an accurate list of registered, certified, or documented health care providers practicing outside of licensed institutions.


5. Standardize Birth Registrar Practices – Leverage online educational materials and self-certifying courses to standardize data collection, data entry practices, and system access and use by all birth registrars.

6. Segregation of Duties – Enhance functionality of the state’s birth record information system by requiring a segregation of duties within the birth registration process.

7. Data Exchange Capabilities – Enhance functionality of the state’s birth record information system by improving the data exchange capabilities with hospital electronic health records.

8. Improve Database Structure and Scalability – Enhance functionality of the state’s birth record information system by improving database structure and scalability.

9. Reconcile Reported Births – Perform a periodic reconciliation of the number of births documented as occurring in a licensed institution with the number of births registered in the state’s birth record information system by that institution.

USE

10. Identification Requirements – Applicants seeking to purchase a birth certificate should be required to present a government issued, non-expired, photo identification with signature, or provide two forms of identification from a specified list.

11. Connecting Individuals and Identification – Applicants seeking to purchase a birth certificate online or through the mail should be required to provide
additional information that establishes that the identity presented belongs to the applicant.

12. **Identification Verification and Validation** – Leverage a third party identification verification and validation system and/or an identification attribute database for all forms of accepted identification.

13. **Document Relationship** – Establish processes whereby an applicant ordering birth certificates for someone other than themselves can document their relationship to the individual whose birth certificate they are requesting.

14. **Consolidate Purchase of Issuing Materials** – Consolidate purchasing of security paper/issuing medium through a contract established by VSU with distribution done through the approved vendor(s).

15. **Enhance Wrongful Possession Provisions** – Enhance provisions regarding the possession of birth certificates of others in order to discourage the casual treatment of the birth certificate.

16. **Age Verification** – Implement the consistent use of a document that certifies age, but not identity, such as the Birth Verification letter, as a substitute for the issuance of a certified copy of a birth record.

17. **Educate Citizens** – Implement a communications plan to educate citizens regarding their responsibility for safeguarding their birth certificates, stressing the criminal penalties for wrongful possession and use, and communicating updated and new policies and procedures.

18. **Review Fees and Funding** – Initiate a review of fees and funding structure within VSU.

19. **Physical Access Standards** – Establish minimum standards for physical access to security paper, certificates, and archival paper record storage.

20. **Standardize Forms** – Standardize the form of certified birth certificate to one statewide format.

21. **Strengthen System Use Monitoring** – Enhance functionality of the state’s birth record information system by improving the security processes and monitoring of system use, including consideration of a pilot of biometric identity validation.

22. **Evaluate Standards for Vital Events Verification** – Assess implications of adopting national standards for Electronic Verification of Vital Events (EVVE) data across jurisdictions and programs against current capabilities and program funding model.

23. **Schedule Decommissioning of TER and Move to a Single State Electronic Birth and Death Records System** – Schedule the decommissioning of TER and Remote Birth Access, and require VSU, in coordination with local registrars, to develop and deploy a new system that can serve as a single state electronic birth and death records system.
24. **Protect the Integrity of State Birth and Death Data** – Protect the integrity of VSU birth and death registration system(s) by applying consistent practices on the use of the data by other organizations.

**RETIRE**

25. **Increase Timetable for Public Release of Data** – Establish the timetable for publicly releasing vital records information to 125 years after a birth and 50 years after a death.

26. **Require Death Match for All Ages** – Require that death records for individuals of all ages who were born in Texas be matched with birth records, not only those under 55.

27. **Enhance Birth/Death Matching Criteria** – Re-evaluate and enhance the birth/death matching criteria.

28. **Appropriate Notation of Deceased** – Ensure that both paper and electronic birth records, maintained centrally at VSU and locally at registrars' offices are appropriately notated as “deceased.”

29. **Evaluate Standards for Data Exchange across Jurisdictions** – Assess implications of adopting national standards for electronic exchange of data across jurisdictions and programs using the State and Territorial Exchange of Vital Events (STEVE) against current capabilities and program funding model.

30. **Coordinate with Federal Agencies on Soldiers** – Coordinate with the relevant federal departments to ensure the receipt of death notifications of soldiers born in Texas.
RECOMMENDATION 1: Reduce the number of local registrars by prioritizing consolidation based on the following criteria: metropolitan health district, county, registration district with a population over 100,000.

ISSUE
A high level of decentralization in the local registrar function limits the state’s ability to ensure that the detailed policies and processes related to birth registration are implemented in a standardized manner, thereby risking overall security of the system.

CURRENT ENVIRONMENT
Health and Safety Code provides that Texas is divided into registration districts for the purposes of registering births, deaths, and fetal deaths. These districts include justice of the peace precincts and municipalities with a population of 2,500 or more [HSC Section 191.021].

There are currently 823 justice of the peace precincts and 606 municipalities with a population over 2,500 in Texas, allowing for more than 1,400 registration districts by law. A separate provision of Health and Safety Code provides that the justice of the peace may transfer the responsibilities of registration, thus consolidating the registry function, if agreed to with the county clerk and approved by the commissioner’s court. Consolidation of offices allows local registrars to combine their efforts when it is in the best interest of the public. At present, Texas is divided into 469 registration districts.

RATIONALE FOR CHANGE
Vital registry functions occur at the local level. It is critical that the state’s vital statistics program support a regional and community presence to serve the citizens of Texas. The policies and processes in place in the current decentralized structure, however, contribute to a lack of uniformity and standardization across registration districts. Requirements of Texas law, administrative rule, and agency procedures establish the framework to effectively manage a statewide system of vital statistics. However, the complexity of implementing these provisions can be significant.

Ensuring that state law and regulations are followed in a consistent and uniform manner may be simpler with fewer registrars. For example, more than 1,100 individuals can create birth records at each of the state’s local registrar offices. Challenges exist for VSU to ensure that each of these districts establishes and
maintains consistent controls that meet minimum standards for ensuring the security and integrity of birth records.

The function of birth registration occurs almost exclusively within licensed institutions. The local registrar’s office is primarily responsible for the filing and issuance of certified copies of birth records. The registration of non-institutional births also occurs at these offices. Registration of a non-institutional birth is an infrequent (less than one percent of births registered in the state), yet complex process that demands standardization.

Local registrar offices in major population areas file a significant percentage of the births registered in the state. However, many local registrar offices across the state coordinate a very small amount of activity. In 2011, approximately 48 percent of the registration districts that filed births or deaths in Texas filed less than 50 each, and in combination, filed less than one percent of the total number of births and deaths recorded in 2011.\(^8\) Additionally, the distribution of registrars per county varies widely throughout the state. For example, many smaller counties throughout the state are divided into several justice of the peace precincts, each with their own local registrar. With just over 545 square miles and a population of approximately 34,000, one county supports more than four justice of the peace precincts currently also serving as local registrars.

VSU delivers support through training and outreach, and oversight through system monitoring and site visits. These functions require a significant allocation of VSU resources in order to meet customer demand. Reducing the number of registration districts without impacting the ability to serve citizens would utilize limited state resources more effectively and ensure greater uniformity of birth registry practices.

Reducing the number of local registrar offices will likely reduce the number of individuals that have direct access to create a birth record. This consolidation will help improve security of the birth records information system, without impacting service to the citizens of Texas.

**Implementation Considerations**

This recommendation calls for a reduction in the number of local registrars by prioritizing consolidation based on the following criteria: metropolitan health district, county, registration district with a population over 100,000. Through the authority of the Executive Director of the Health and Human Services Commission, DSHS may combine or divide registration districts to facilitate registration. However, by implementing this recommendation, consolidation would effectively reduce the number of registration districts from 469 to approximately 300. Given the scope of

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\(^8\) Vital Statistics Unit, Texas Department of State Health Services.
the recommended transfers, the Legislature may wish to consider action to optimize the parameters regarding local registrar districts and eligibility.

**Benefits**

Benefits of consolidation of registration districts include:

- Improving quality and fraud control
- Improving statutory compliance
- Improving oversight and support from VSU
- Centralizing vital registration and record archiving
RECOMMENDATION 2: Require that all individuals who can register a birth record or interact with the birth record information system undergo a criminal history background check.

ISSUE
Background investigations on all individuals who have the ability to create a birth record are not conducted, which contributes to the potential to create fraudulent records in the state’s birth record information system.

CURRENT ENVIRONMENT
In 2011, more than 34,000 individuals were granted access to the TER system, including activities involving the registration, issuance, processing, storage, dissemination, or destruction of vital records. Of this total, more than 4,000 system users had the ability to create birth records.\(^9\)

Conducting verifications on prospective employees, including criminal history background checks, has become a staple of the health care industry. The Texas Hospital Association encourages hospitals to perform background checks on their employees, and as a result, many health care practitioners involved in direct patient care undergo a criminal history background check.

At present, midwives and certified nurse-midwives are not required to have completed a criminal history background check to gain a license. However, the Texas Occupations Code outlines that organizations issuing licenses in Texas may require a background check as part of qualifying for a license.

- Licensed midwives are regulated by the Texas Midwifery Board within the Texas Department of State Health Services. There are approximately 200 licensed midwives in Texas.\(^10\)
- Certified nurse-midwives (CNMs) are regulated by the Texas Board of Nursing. Approximately 350 CNMs are licensed to practice in Texas.\(^11\)

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\(^9\) Vital Statistics Unit, Texas Department of State Health Services.
\(^10\) Texas Midwifery Board, Department of State Health Services, last updated July 31, 2012, [http://www.dshs.state.tx.us/midwife/mw_roster.shtm](http://www.dshs.state.tx.us/midwife/mw_roster.shtm).
Additionally, the Texas Department of State Health Services is entitled to obtain criminal history record information from the Texas Department of Public Safety relating to prospective and current employees of, or contractors providing goods or services to, VSU [TGC Section 411.110].

**Rationale for Change**

Individuals who are authorized to create birth records have opportunities to use that information for identity theft or other fraudulent purposes. Given the number of individuals with access to the TER system, the state’s exposure to potentially fraudulent activities is significant.

An additional reason to conduct background checks on individuals with access to the TER system is to ensure the confidentiality of the state’s vital records. While the fact of birth (name, date, and place) of an individual is public knowledge, the birth certificate is a confidential record for the first 75 years after filing and may be released only to a properly qualified applicant [TGC Section 552.115].

Confidentiality is crucial when working with birth records, as they contain personally identifiable information, such as a name and place of birth, or indirectly, such as mother’s name and birthplace.

For several years, public health information organizations and government oversight agencies have recommended criminal history background checks on prospective and current employees charged with creating, maintaining, and securing vital records.

- In its report on birth certificate fraud in 2000, the federal Office of Inspector General reported that 25 state registrars had identified instances of birth certificate fraud by vital records employees in their jurisdictions.  

- With cases of embezzlement related to vital records in Oklahoma in 2005 and theft of more than 100 blank birth certificates by vital records staff in New York City in 2009, potential fraud and theft by employees remains a concern.

NAPHSIS recommends that all state and local vital records and health statistics offices conduct background investigations and criminal record checks (dependent on

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level of sensitive position) and determine which convictions or offenses result in the individual being unsuitable for a position designated as sensitive.

**IMPLEMENTATION CONSIDERATIONS**

NAPHSIS defines three levels of sensitive positions and recommends that the scope of investigation be gauged to the sensitivity of the position, which may range from a criminal history check to a full examination and verification including personal interviews.

Implementing this recommendation could be handled through the state’s vital statistics program. With the exception of VSU employees where clear statutory authority exists to require a criminal history background check [TGC Section 411.110], there is no mandatory requirement that individuals who can register a birth are subject to a criminal history background check.

As a provision of the TER User Agreement, VSU requires all individuals who are authorized to access the state’s birth and death records to sign a confidentiality statement subject to the release of information or records under Texas law [TGC Section 552.115 (a) (1 – 2)].

To address provisions for criminal history background checks, VSU should consider amending the TER User Agreement to include this requirement. Depending on their duties and responsibilities, individuals who may require a criminal history background check include:

- Staff who create or release a birth record as a function of registering a birth in a local registrar or county clerk’s office,
- Staff who create or release a birth record as a function of registering a birth in a hospital or other licensed institution, and
- Midwives or other practitioners or their staff who create or release a birth record as a function of registering a birth in a non-licensed institution.

In some cases, organizations that obtain criminal history record information are required to attend a training session that is conducted by a representative of the law enforcement community. This requirement should be factored into the criminal history background check services established to implement this recommendation.

**BENEFITS**

Benefits of requiring criminal history background checks include:

- Reducing the opportunity for fraudulent records to be created
- Establishing a minimum level of security for birth records regarding the number of individuals with access
- Ensuring personal information contained on a birth certificate will not be viewed by individuals with an unacceptable criminal history
- Aligning the state’s process with NAPHSIS guidelines that call for criminal history background checks on individuals with “sensitive” positions
- Creating a minimum standard for each individual with access to register or interact with the birth record information system
RECOMMENDATION 3: Ensure that VSU and local registrars have an accurate list of registered, certified, or documented health care providers practicing outside of licensed institutions.

ISSUE
Health care providers who are authorized to register non-institutional births are licensed by various entities in the state. Today there is not a consolidated ability to verify if these health care providers are currently licensed.

CURRENT ENVIRONMENT
A local registrar may file a record of a non-institutional birth that is attended by a registered, certified, or documented health care provider, including more than 500 licensed midwives and CNMs. Additionally, once the license or registration of the health care provider is verified, the registrar can file the certificate without need of any further proof of birth facts.\(^\text{15}\)

As a further streamlining measure, administrative rule provides that local registrars can accept birth registration forms for non-institutional births by mail from health care providers, provided they maintain the signatures of the providers on file in their local offices [25 TAC Section 181.26 (b)].

While the overall percentage of non-institutional births is less than one percent in the state, the number of health care providers who can file a birth record outside of a licensed institution is substantial. Currently, local registrars do not have access to a consolidated and comprehensive list of these providers. In instances where health care providers retire or lose their licenses there is no process in place to notify local registrars or VSU.

RATIONALE FOR CHANGE
The state’s vital statistics program depends on the integrity of all licensed health care providers to ensure that births in Texas are accurately and efficiently registered by only those providers who are legally permitted to perform such duties.

While administrative rule provides efficiencies in the registration process, ensuring that VSU and local registrars are updated about licensure status reduces the opportunity for fraudulent records to be created by an unauthorized individual. To effectively perform their functions, VSU and local registrars need to have access to a valid list of health care providers who attend births outside of a licensed institution.

Administrative rule also provides that a non-institutional birth that is attended by a registered, certified or documented health care provider, may alternatively be recorded in the state’s birth record information system. Verifying user access against a current list of health care providers could serve as a reference to validate profiles and user access rights to the system.

**IMPLEMENTATION CONSIDERATIONS**

To implement this recommendation, VSU should coordinate with the Texas Midwifery Board and the Texas Board of Nursing to ensure that ongoing reporting of licensed midwives and CNMs occurs. Any disciplinary action on a health care provider that suspends or revokes the provider’s license or registration should be flagged and communicated to VSU and local registrars.

**BENEFITS**

Benefits of establishing a consolidated and regularly updated list of non-institutional health care providers include:

• Ensuring that local registrars release birth registrations created by a valid health care provider
• Maintaining efficiency in the registration process, while improving the validity of birth records
• Discouraging fraudulent behavior by informing health care providers their signature will be compared to an updated list provided by the appropriate licensing board
• Improving communication between licensing boards and local registrars and VSU
RECOMMENDATION 4: Strengthen safeguards related to delayed certificate of birth registration.

ISSUE
Evidence required by applicants for a delayed registration of birth should be specified and prioritized in more detail. Implementation of the statutes regarding documentary evidence for a delayed birth registration through the courts may vary across the state. These inconsistencies may contribute to a higher level of fraudulent delayed records of birth being filed.

CURRENT ENVIRONMENT
Texas law establishes that a request for delayed birth registration, initiated after the one-year anniversary of the date of birth, must be submitted to the State Registrar [HSC Section 192.022]. Evidentiary documentation requirements vary based on:
• Delay of one year or more,
• Delay of more than one but less than four years, and
• Delay of four years or more.

In circumstances where a delayed certificate of birth has been administratively denied by the State Registrar, Health and Safety Code provides that an applicant may file a petition in the probate court of the county in which the birth occurred to obtain a registration by judicial order [HSC Section 192.027].

In 2011, VSU approved 892 delayed birth records for filing. In this same year, VSU sent notification to 217 applicants that they did not meet the requirements to file a delayed birth certificate administratively. Also during this period, VSU received 75 court-ordered delayed certificates of birth initiated in 2011 or earlier.

At nearly eight percent of the total number filed in 2011, the number of court-ordered delayed birth certificates is on the rise due to an increase in the number of requests that are denied by the State Registrar. Denied requests are typically based on conflicting evidence uncovered during processing. Some examples of conflicting evidence include the determination that a birth certificate of foreign origin exists or that verification documentation reflects out of state birth information.
**Rationale for Change**

In its report on birth certificate fraud in 2000, the federal Office of Inspector General (OIG) indicated that vital records staff consistently reported that birth certificates issued based on delayed and amended birth registrations were more likely to be fraudulent than those issued in a timely manner.\(^{16}\)

In 2011, the median age for filing a delayed birth in Texas was 57.8 years, in part due to the push to establish identity that has been emphasized through the Intelligence Reform and Terrorism Prevention Act of 2004 and other federal law. More than half of the 967 combined administrative and court-ordered delayed birth registrations that were processed in 2011 were for applicants between the ages of 25 and 65, illustrating the need to strengthen current processes and apply greater rigor to establish a basis for registering a delayed certificate of birth.

Because delayed birth registrations are viewed with caution, greater diligence is needed to ensure that fraudulent registrations are deterred, including strengthening requirements around documentary evidence. Currently, a wide variety of documentation is accepted for the purpose of establishing the birth facts for a delayed certificate of birth. The document types are not ordered by preference or priority, and therefore, conformance to a specific standard is not a function of the review process. VSU has initiated administrative rulemaking that outlines acceptable documentary evidence and implements other provisions of law. Standardizing the type of acceptable documentation, and reducing the number of documents required by an applicant, regardless of age, would enable a more consistent and uniform review process.

Additionally, because there is substantial variability in documentary evidence that is considered as part of the judicial process for delayed birth registrations, it is important to validate that the evidence used to satisfy the court in establishing the facts of birth are summarized on the delayed certificate of birth form.

**Implementation Considerations**

Strengthening safeguards and implementing changes related to delayed birth registration can be accomplished through revisions to policy and process.

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To implement this recommendation, the Texas legislature may wish to consider:

• Standardizing and streamlining documentation requirements for delayed birth registrations, and
• Ensuring uniformity across court districts by requiring an independent review of all court-ordered delayed birth registrations to:
  o Verify that the facts of birth were reviewed and that documentary evidence supplied was as described in the summary; and
  o Require that the court find additional basis to grant an order, beyond what VSU had determined inadequate through administrative review.

To implement this recommendation, VSU should:

• Promulgate rule that implements provisions of statute and specifies the documentary evidence that is acceptable for delayed birth registration; and
• Develop education and outreach for court judges and their staff on best practices for enhancing security and preventing birth certificate fraud.

Additionally, it is important to monitor all unusual increases or trends in delayed certificate of birth applications and investigate the reasons and origins of the requests. Strengthening this function will enable the state to maintain a proactive approach in detecting, exposing, and taking action on fraudulent activities.

One resource available is the Fraud Early Warning System (FEWS), which is administered by the American Association of Motor Vehicle Administrators. FEWS has been extended to incorporate requirements of vital records offices and can serve as a critical resource to the state. VSU should explore options for enhancing fraud awareness within the unit and implementing FEWS.

Upon passage of the federal Model State Vital Statistics Act and Regulations (Model Law), VSU should review Texas statute related to delayed birth registration to determine opportunities to streamline and harmonize provisions with national standards. Based on implementation of these recommendations, VSU should assess areas for improvement within administrative and court-ordered processes and address proposed changes as part of its review process.

**Benefits**

Benefits of strengthening safeguards regarding delayed birth records include:

• Enforcing consistent review standards to deter fraudulent practices
• Enhancing the documentation requirements to prevent false records from being created
• Improving efficiency by decreasing the number of delayed registrations, which often require more staff resources to process than a standard birth registration
RECOMMENDATION 5: Leverage online educational materials and self-certifying courses to standardize data collection, data entry practices, and system access and use by all birth registrars.

ISSUE
The Field Services Department of VSU requires from three to five years to conduct a complete audit of sites that perform vital records functions. This time period is too long to ensure that VSU can implement the appropriate level of oversight required to ensure the security of the state’s birth record information system.

CURRENT ENVIRONMENT
As a function of oversight, VSU conducts field office visits to local registrars in Texas. With 469 offices across the state, scheduling and auditing these facilities is a time and resource intensive effort. Additionally, 583 hospitals and licensed birthing centers and other locations are audited on an ad hoc basis.

Training and outreach opportunities are extended periodically through regional conferences, training clinics, and other venues. As a result of its field office visits, audits, periodic reviews, and training events, VSU has identified a growing number of issues that highlight the need to standardize practices and increase education and training.

RATIONALE FOR CHANGE
To ensure birth registrars receive proper training in areas such as data collection, security and fraud prevention, customer service, and system processes, and to balance the impact to the state’s resources, there is a need to augment training opportunities beyond field office visits, audits, and training events. One example is the creation of a distance-learning program, including certification, for the more than 4,000 birth registrars working in hospitals, birthing centers, and registration districts across the state.

A birth registrar certification program will enable individuals within facilities to effectively demonstrate knowledge and skills that increase their ability to comply with the program standards. Providing local registrars, facility administrators, and other individuals responsible for registering birth records with the tools to self-certify that their data collection and data entry conforms to established procedures provides a means of ensuring accurate record keeping.
Additionally, by establishing performance standards for vital registry functions and measuring against those standards will enable VSU to:

- Gather quantitative data to more accurately assign risk by facility, and
- Prioritize field office site visits based on assigned risk to fully leverage VSU’s resources.

**IMPLEMENTATION CONSIDERATIONS**

To ensure birth registrars receive proper training in areas such as data collection, security and fraud prevention, customer service, and system processes, VSU developed a certification program for birth registrars, facility administrators, medical staff, midwives, local registrars and individuals responsible for registering birth records.

In December 2011, VSU announced details of the program at the 57th Texas Vital Statistics Annual Conference and sought input and feedback. As envisioned, the Birth Registrar Certification Program will be mandatory and renewed every two years once all of the program components have been finalized. Reviews for compliance will be conducted during scheduled site visits.

After the rulemaking process is complete, the Birth Registrar Certification Program will be implemented. VSU has initiated the development and posting of program materials on its website. These materials provide details of the program, including who is affected, components of certification, and draft rule language, creating 25 TAC, Chapter 181, Subchapter D. Once the program is underway, VSU staff will monitor compliance rates on a regular basis, including biennial re-certification.

**BENEFITS**

Benefits of implementing a Birth Registrar Certification Program include:

- Setting a minimum standard for birth registrars to improve data quality, accuracy, and completeness
- Decreasing the number of errors, reducing the number of amendments submitted to correct user errors
- Providing greater access to training and continuing education
- Reducing administrative costs of conducting audits
- Enabling VSU to allocate resources to higher risk entities

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17 Vital, Statistics Unit, Texas Department of State Health Services, [http://www.dshs.state.tx.us/vs/field/birthcertification.shtm](http://www.dshs.state.tx.us/vs/field/birthcertification.shtm)
RECOMMENDATION 6: Enhance functionality of the state’s birth record information system by requiring a segregation of duties within the birth registration process.

ISSUE
A single authorized user has the capability to create, certify, and release a birth record in the state’s birth record information system. A lack of system controls in the birth registration process creates a higher risk for fraudulent birth records to be generated. While the State Registrar may discontinue any institution’s or individual's participation in electronic birth registration for failure to comply with the TER User Agreement, the ability for VSU to enforce a practice that ensures segregation of duties is difficult to validate.

CURRENT ENVIRONMENT
In 2011, 99.7 percent of all birth records were created in the TER system. Individuals creating birth records in the system are required to enter into the TER User Agreement with VSU that directs their activities related to the registration and certification of birth records in the system.

In order to register a birth record in the TER system, an individual must initiate the creation of a record. That individual then enters birth registration information into the system. When all the data is entered, as specified in the TER User Agreement, a separate individual is required to certify the record, which indicates that the record is officially created and ready for release.

Currently, there are no automated controls in the system to enforce a segregation of duties across these functions. Additionally, current auditing practices cannot validate that this process is being enforced at every location.

RATIONALE FOR CHANGE
A system-based segregation of duties is an effective way to ensure security and significantly limit the ability for fraudulent records to be created in the system. Segregation of duties is the separation of functions in a key process across at least two individuals in such a way that no single individual, or single group of individuals, should be in a position to both perpetrate and conceal errors or irregularities in the normal course of their duties. It also creates an automated system of checks and balances, requiring a minimum of two sets of eyes to see every transaction.
Segregation of duties is a key internal control that plays an important role in preventing and detecting fraud, and reducing or eliminating errors. It is considered one of the most effective internal controls in combating fraud because it:
• Virtually eliminates the ability for inappropriate action, and
• Forces collusion of two individuals acting in an illegal manner to bypass the control.

**Implementation Considerations**
Administrative rule provides that the State Registrar specify requirements for a User Agreement to implement electronic birth registration and that hospitals, licensed birthing centers, midwives, and local registration officials must comply with the User Agreement in order to participate in electronic birth registration [25 TAC Section 181.13].

To implement segregation of duties that can be effectively enforced, VSU should enhance the state’s birth record information system to define acceptable actions, such as “create” and “certify,” by role, and to disallow the same user and role from executing both actions.

Further, administrative rules should be reviewed and updated, as necessary, to establish segregation of duties for the creation of a birth record as a policy requirement.

**Benefits**
Benefits of requiring the segregation of duties include:
• Reducing the number of fraudulent or inaccurate birth records
• Deterring fraudulent record creation as it would require for two individuals to collude
• Improving the state’s audit capabilities
• Enabling the enforcement of the TER User Agreement
• Aligning technology with policy requirements
RECOMMENDATION 7: Enhance functionality of the state’s birth record information system by improving the data exchange capabilities with hospital electronic health records.

ISSUE
The majority of birth record data is manually entered into the state’s birth record information system, which creates conditions for errors, impacting the quality and integrity of the state’s vital records.

CURRENT ENVIRONMENT
A birth record contains two separate sections – legal and medical – which have different, but critical functions. Registered records administrators, or their designees, serve as birth registrars who are responsible for working with mothers to complete a medical data worksheet to collect medical information about the mother and child. The data from this worksheet, which is often filled out by hand, must then be entered into the TER system.

The legal portion of the birth record contains the information used for identification purposes, including an individual’s name, parent(s) name(s), the date and time of birth, the place of birth, among other items. The fields in this portion of a birth record are accessed to create certified birth certificates for citizens.

The medical portion of a birth certificate contains prenatal health information about the mother, such as the mother’s health habits, pregnancy risk factors, among others, as well as information about the labor, delivery, and the newborn. Health and Safety Code specifies that the data used in the medical portion is confidential and not released publicly [HSC Section 192.002 (b)]. This data is used for statistical purposes in the aggregate by state, federal, and other agencies to study health trends and outcomes.

RATIONALE FOR CHANGE
As more institutions implement more robust electronic health record systems, there is an opportunity to improve the accuracy of the information and reduce rework necessary to accurately capture birth events.

Medical Data Worksheet
A medical data worksheet, containing 47 questions, some of which may have multiple responses, is manually completed for each of birth that occurs in the state.

In 2011, birth registrars manually entered more than 18 million data elements into the birth record information system. Because many of these data elements are derived from the mother’s medical information, they also exist in the mother’s electronic health record.

Source: Vital Statistics Unit
Linking vital record systems with hospital-based electronic health records for the transmission of patient information has been demonstrated to improve efficiency in the collection of vital record data. According to NAPHSIS, several states have pioneered the transmission of Electronic Health Record (EHR) data to vital record systems (primarily birth data) to demonstrate the technical feasibility of connecting hospital with vital record systems. These projects have also revealed the significant challenges to be faced with the quality and comparability of data collected in different settings and for such different purposes, and the level of resources required to make the data exchange work.\(^{18}\)

Furthermore, CDC/NCHS and NAPHSIS recommend that the mother’s and infant’s health records serve as the source for more than half of all data items collected on the 2003 U.S. Standard Certificate of Live Birth.\(^{19}\)

**Implementation Considerations**

The vital statistics community has been collaborating on developing data exchange standards for medical and vital record systems data. Working with NAPHSIS and other vital records stakeholders, the CDC/NCHS developed vital records standards that are supported by multiple standards organizations, including the Health Level Seven International (HL7).\(^{20}\)

To date, these standardization projects have documented a model, functional requirements, and messaging standards for trial use for health record/vital record data exchange. Some upcoming activities within this collaboration include:

- Development of HL7 messages to be used for this exchange
- Pilot testing of interfaces with multiple vendor products
- Data quality assessment of the data received from the EHR\(^{21}\)

In August 2011, NAPHSIS established the e-Health Committee to monitor health information technology activities and to provide NAPHSIS comments to the draft rules and regulations being promulgated at the federal level.

VSU should consider leveraging the work being done at the national level and coordinate, as appropriate, with other organizations. Working with the Texas Hospital Association may facilitate communication between VSU and the hospitals where the


\(^{20}\) Ibid.

\(^{21}\) Ibid.
majority of birth records are recorded. The Texas Health Services Authority (THSA) has several health information technology and health information exchange initiatives underway. As a public-private partnership, THSA is responsible for coordinating the implementation of health information exchange plans for Texas.

VSU may seek to coordinate a secure data exchange pilot with selected large providers. Large hospital networks are likely to have centralized EHRs and data warehousing capabilities. A limited pilot can provide insight into technical implications, such as data accuracy, quality, and the level of resources required to make the data exchange work. The agency should work with the pilot provider to address data quality issues and error rates on a quarterly basis.

**Benefits**

Benefits of a birth record information system/EHR data exchange include:

- Reducing the number of errors entered into the system
- Reducing time spent on data entry and corrections
- Protecting patient privacy by reducing the need to communicate personal health information to third parties
- Minimizing the risk of losing the paper forms or the need for ensuring proper destruction as the use of paper can be eliminated
RECOMMENDATION 8: Enhance functionality of the state’s birth record information system by improving database structure and scalability.

ISSUE
The state’s birth record information system database structure does not currently provide the capability to properly capture some naming conventions and diacritical markers that are common naming features amongst the diverse Texas population.

CURRENT ENVIRONMENT
The current birth record information system is capable of capturing 50 characters each for a child’s first name, middle name, and last name. This additional information can be critical to helping connect an individual with their correct birth record. Limiting the data fields in a birth record inhibits the birth/death matching process if an accurate accounting of a person’s name is not stored correctly.

Texas has a large Hispanic population, whose culture has certain naming traditions that might be restricted by the database limitations. In particular, children may take both the mother’s maiden and the father’s last name as their last name. They may or may not include the Spanish word “y”, sometimes used to connect the two names. If the newborn’s given name is too long, it may be abridged in the system, and may not accurately correlate to the individual.

Additionally, the use of diacritical marks, such as an acute, grave, tilde, and umlaut, are common features of foreign names. While the current birth record information system has the capability to capture diacritical marks, other systems that are connected to the state’s system are unable to receive these elements in a data transfer.

RATIONALE FOR CHANGE
As the population of the state continues to grow and become more diverse, the value of the data captured in a birth record becomes increasingly important. Serving as a “breeder” document, the certificate of birth is the most important form of identification for an individual. The ability to accurately enter the name of the child in the record is critically important. The birth record also serves as a repository for demographic and medical information that is invaluable to the state. Due to system
limitations some of these important data elements are either not captured or are incomplete.

Ensuring that an individual’s name is accurately captured at birth will enable a more efficient means to access the birth record through the individual’s life and death. Establishing an accurate and complete baseline of data makes finding a record simpler. Rather than taking time to search through a database or through physical records, matches can be done efficiently. This saves time for issuing agents, VSU staff, and the customer.

Additionally, the birth/death match process can be done more efficiently, since the more specificity a system can capture, the easier it will be to match records by name. This will help reduce the number of unmatched birth records in the system and reduce the potential for fraud.

Citizens expect that the given names of their children will be accurately reflected on the birth certificates. When names do not appear as expected, citizens may sometimes apply for an amendment or re-apply for a birth certificate. This creates confusion and results in additional administrative processing time and resources. Additionally, the creation of multiple records for the same child, either advertently or inadvertently, creates opportunity for fraud.

**IMPLEMENTATION CONSIDERATIONS**

The current birth record information system database would require significant modification to address the issues outlined. VSU should review this and other alternatives, including decommissioning and replacing the current birth record information system to address limitations of the current database architecture.

**BENEFITS**

Benefits of improving the structure and scalability of the current birth record information system’s database include:

- Improving accuracy of data elements in the birth record information system, most notably the name of the child
- Reducing the need for changes to the record after release
- Improving efficiency of locating the correct record
- Improving the birth/death matching process
RECOMMENDATION 9: Perform a periodic reconciliation of the number of births documented as occurring in a licensed institution with the number of births registered in the state’s birth record information system by that institution.

ISSUE
Without reconciling the number of births that are documented as occurring in a licensed institution with the number of births registered in TER, an opportunity for fraudulent practices exists.

CURRENT ENVIRONMENT
Health and Safety Code requires that the birth of each child be registered [HSC Section 192.001]. However, there is no cross-check, or reconciliation, between the number of births documented in licensed institutions and the number of births registered in the TER system to confirm that the numbers match.

For every birth registration in the state’s birth record information system there should be supporting documentation at the institution that supports the fact that a child was born. Conversely, if there is a record reflecting a licensed institution birth, but no documentation from the institution to support that, an error may have occurred when registering the birth in the state’s birth record information system – either intentionally, or inadvertently.

Because current processes do not require a reconciliation of the number of births registered in the system with the number of births that occurred at the licensed institution, it is possible for false records to be created in the electronic system by individuals acting fraudulently.

RATIONALE FOR CHANGE
Without reconciling between licensed institutions and the TER system, it is not possible to ensure an accurate number of registrations. The reconciliation process could ensure that no additional birth records are being created in the TER system that are not also being recorded and documented by the licensed institution.

Additionally, performing reconciliations on a regular basis could alert VSU to institutions, regions, or individuals that may have regular discrepancies. Performing a regular reconciliation will help the state ensure accurate record keeping regarding birth registrations, allowing for a more accurate count of births occurring in licensed institutions.
IMPLEMENTATION CONSIDERATIONS
To effectively implement this recommendation, legislative action is needed that
directs hospitals and birthing institutions to coordinate with VSU to perform periodic
reconciliations of the births documented as occurring in the licensed institution, with
the births registered in the state’s birth record information system by that institution.

Working in conjunction with licensed institutions, VSU should determine the
frequency and the matching parameters for the reconciliation. A match by gross
numbers may be satisfactory if the birth dates of the newborns were used. Performing
the matches would have to be delayed by a long enough period of time to ensure that
all the newborn data was entered into the system.

Additionally, a name match may be completed. A name match may identify specific
potential fraudulent birth records, if the names appear in the TER system, but not in
the hospital birth record. Utilizing the name may also enable law enforcement
agencies to track the user(s) responsible for creating the birth record(s).

To ensure that the data is reviewed on a regular basis, VSU should identify the
anticipated workload on its resources and develop an implementation strategy
accordingly. If the results of the reconciliation are not reviewed in a timely manner,
there may be cases of fraud that go undetected.

BENEFITS
Benefits of reconciling reported births include:
• Reducing the risk of fraudulent records by ensuring each record in the system
corresponds to a physical birth in an institution
• Improving the validity of data in the State’s birth record information system
• Creating a process that will alert VSU of suspicious activity, or institutions that
regularly report inconsistencies
• Deterring fraudulent behavior by individuals with access to create a birth record
RECOMMENDATION 10: Applicants seeking to purchase a birth certificate should be required to present a government issued, non-expired, photo identification with signature, or provide two forms of identification from a specified list.

ISSUE
Current identification requirements to purchase a certified copy of a birth record allow for an unmanageable variety of acceptable forms of proof, and lead to complex and inconsistent practices across registration districts.

CURRENT ENVIRONMENT
Administrative rule outlines that applicants seeking a birth certificate must present a current form of government issued photo identification along with his or her application. If the applicant is unable to present a current form of photo identification, he or she must supply two valid supporting forms of identification, one of which bearing the applicant's signature [25 TAC Section 181.1 (13)].

A list of suggested forms of identification is listed in the Local Registrar Handbook.22 The list is tiered into primary, secondary, and supporting, with suggested combinations of identifications from these lists to be required by local registrars in order to issue a birth certificate. In total, 58 forms of identification comprise these three lists.

RATIONALE FOR CHANGE
By reducing the number of accepted forms of identification, the state can reduce its exposure to the presentation of fraudulent documents. Issuing offices should be strongly encouraged to request a non-expired government issued photo identification.

In 2011
More than 250,000 copies of birth certificates were issued through multiple ordering methods. Currently, a wide variety of identification may be presented, including:

- 19 forms of primary identification (photo requirement on each), or
- 20 forms of secondary identification (2 different types of government-issued document), or
- 19 forms of supporting identification (if 2 different types of secondary information is unavailable, 1 type of secondary plus 2 different types of supporting identification is required).

Source: Vital Statistics Unit

with signature, such as a driver license or U.S. Passport, that can be verified for authenticity.

There are cases where an individual may not have a government issued photo identification with signature, ranging from those who have lost their identification due to accident or theft, or to those whose identification has merely expired due to lack of usage. Other cases may involve non-United States citizens acting as qualified applicants for their minor children, who were legitimately born in the United States. These individuals will likely not have the access to such a specific form of identification, but need to be accommodated in the process.

If this type of identification is not available, issuing agents should require two forms of secondary identification, at least one of which should have a picture of the applicant. Examples might include, but are not restricted to:
- Federal or state identification card
- Federal, state or city law enforcement employment identification card, or employment badge accompanied by employment identification card
- Offender identification card issued by the Department of Criminal Justice correctional facility or institution
- Military identification card
- United States Department of State issued Border Crossing card or Visa
- Concealed handgun license
- Pilot’s license

Strengthening the identification requirements needed to request a copy of a birth certificate is a critical component of combating fraud. Requiring that acceptable forms of identification must be current provides an additional measure of assurance and limits the ability for this documentation to be misused or abused.

Additionally, VSU should require that all forms of copied identification presented, such as for mail-in applications, be legible. Specifying that all copies be legible deters fraud in issuing offices by enabling them to reject identification they cannot read, and/or pictures they cannot see. Copies of legible identification are also necessary as a means to help support potential future investigations of fraud, as these copies may be used as evidence in these cases.

IMPLEMENTATION CONSIDERATIONS
VSU should consider amending administrative rule [25 TAC Section 181.1 (13)] to strengthen the controls related to the identification required to issue a birth certificate. This provision of rule outlines the definition for “Identification of Applicant.”
Issuing agents and their communities will need to be educated regarding the change to identification requirements. Strengthening the documentation requirements may be viewed as restrictive to citizens. However, given the criticality of controlling the issuance process as a means to prevent fraud, serious consideration should be given to implementing new requirements.

**Benefits**

Benefits of requiring a government issued, non-expired, photo identification with signature, or two alternate documents from a specified list, for purchasing a birth certificate copy include:

- Helping registrars recognize fraudulent documents by reducing the number of alternative documents that are accepted
- Eliminating the need to rely on an individual registrar’s discretion when accepting alternate documentation
- Creating a process that is more understandable by registrants seeking to obtain a certified copy of a birth record
- Creating a heightened awareness that issuing a certified copy of a birth record requires greater diligence on the part of the applicant and registration districts
RECOMMENDATION 11: Applicants seeking to purchase a birth certificate online or through the mail should be required to provide additional information that establishes that the identity presented belongs to the applicant.

ISSUE
Currently, the ability to connect an identification document with a person is not effectively implemented for either mail-in or online requests through the state portal, Texas.gov. Because these ordering methods represent a much larger percentage of orders for birth certificate copies than those processed in person, greater opportunities for fraud exist.

CURRENT ENVIRONMENT
In 2011, more than a quarter of a million copies of birth certificates were issued in Texas. According to ordering trends monitored by VSU, less than 36,000 (approximately 16 percent) were processed in-person, either at VSU or local registration districts. During this same period, more than 125,000 (approximately 49 percent) of the applications received were processed through the official state portal, Texas.gov, and approximately 93,000 (approximately 37 percent) were processed through the mail.

Administrative rules specify that photocopies of the identification be made for mail-in applications, however no comparable provisions for online applications exist in rule. Regardless of the method in which a certified copy of a birth record is purchased – in-person, through the mail, or online – issuing agents must ensure that the identification being presented actually belongs to the individual making the request.

RATIONALE FOR CHANGE
It is critical to ensure that stringent controls are in place to validate the identity of all qualified applicants who seek to purchase a certified copy of a birth record. While birth certificate fraud can occur by creating a counterfeit document, improvements to the features of bank note paper and other medium have changed the paradigm for
committing birth certificate fraud. Fraud can also be committed by altering an original certificate or by an imposter obtaining a duplicate certificate.23

The most direct way to connect identification with an individual is to require that the application be done in-person. However, demands for expanded access, convenience, and citizen expectations must be met. Approximately 85 percent of all applications for copies of birth certificates are processed remotely. Thus, a reliable means to match the individual with the identification should be established.

Documentation that connects the identification to the applicant is necessary in reducing opportunities for fraud in the birth certificate issuance process. Whether photocopied and sent via the mail or scanned and uploaded as part of an online ordering process, photo identification serves as a source of documentation to help ensure that the identification belongs to the applicant.

Further, use of a notary could serve to connect an individual with his or her identification. An additional safeguard to verify proof of identity through online ordering may be through the use of authentication questions based on personal knowledge, such as a mother’s place of birth or other family data that a potential imposter would not know.

**Implementation Considerations**

To help ensure the security of birth certificates and to verify the identity of the person requesting a document, VSU should review and assess modifications to the written and online application for a certified copy of a birth record. Depending on the ordering method, implementation considerations include:

- **In-person** – issuing agents should be strongly advised to check the photo on the applicant’s identification with the person presenting it and to verify that the identification presented is current (see Recommendation 10).
- **Through the mail** – photocopies of legible identification documents should be submitted. VSU may consider using a third party, such as a notary, to validate that the identification matches the individual.
- **Online** – scanned copies of legible identification documents could be uploaded. Alternatively, VSU should require that the online ordering application include a series of authentication questions for the applicant.

**Benefits**

Benefits of connecting individuals and identification include:

- Reducing opportunities for imposters to gain access to birth records
- Adding an additional security measure to protect an individual’s birth certificate

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• Creating a heightened awareness that issuing a certified copy of a birth record requires greater diligence on the part of the applicant and registration districts
RECOMMENDATION 12: Leverage a third party identification verification and validation system and/or an identification attribute database for all forms of accepted identification.

ISSUE
Local registrars who issue birth certificate copies are not uniformly equipped with the tools needed to recognize attributes of valid identification and methods used to verify and validate authenticity of identification.

CURRENT ENVIRONMENT
There are currently three categories of documents that may be presented to establish proof of identity, and a total of 58 different types of identification and supporting documentation exists within those categories. The acceptability of the identification presented by the requestor is at the discretion of the processor and more documentation can be requested.

Local registrar districts that use third party services, such as VitalChek, to process online applications for certified copies of birth, take advantage of their identification verification features, such as driver license verification with DPS. Applications through the mail, which require identification to be photocopied, may be harder to examine to determine their validity.

RATIONALE FOR CHANGE
Verification of identification documentation is a necessary function to deter fraud in issuing copies of birth certificates. Several recommendations in this report address areas for improvement in the current issuance process (see Recommendations 10 and 11). With at least 58 different types of identification that can be submitted to request a copy of a birth certificate, it is important that local registrars have a common understanding, and can recognize the attributes, of the variety of identification forms that are currently accepted.

The Internet has enabled any individual with a credit card to buy a fraudulent identification online. Providers of false identifications can create documents with

In federal fiscal year 2011
• 12.6 M passports issued
• 860 total confirmed passport fraud cases:
  o 61% involved genuine birth certificates
  o 6.3% involved counterfeit birth certificates
  o 16.8% involved a falsely filed birth certificate

The overwhelming majority of cases involve impostors with fraudulently obtained genuine documents

Source: Cracking the Case Together: Passport Fraud and Vital Events 2012 NAPHSIS/NCHS Joint Meeting
holograms and magnetic strips. Often, these identification cards appear authentic and a casual review will not discern the features and attributes that are present or absent that validate that the identification card is fraudulent. Working with more than 58 possible forms of identification requires knowledge and skill in discerning the validity and authentication of documents whose origins arise from one of 254 counties and other jurisdictions.

Motor vehicle and public safety agencies, such as DPS, that issue driver licenses, make use of a broad array of resources to verify identification. For example, DPS conducts a verification process to ensure that new applicants do not hold a driver license from another jurisdiction through a multi-jurisdiction verification hub.

**Implementation Considerations**

Understanding and recognizing the features of fraudulent documents requires access to tools and training. As part of the review process, local registrars should verify authenticity of third party agents, such as notaries, through the Secretary of State’s website.

VSU should explore technologies implemented in DPS and other agencies, such as identification verification systems. Additionally, other secure systems that provide a reference database populated with attributes of different types of identification and information issued by those agencies should be considered. VSU should explore opportunities to establish a secure method to verify the identification used for mail-in applications.

Other resources available include:

- The American Association of Motor Vehicle Administrators (AAMVA) issued the first international specification for personal identification for driver licenses and identification cards design. Many jurisdictions voluntarily comply with this specification and use it when they procure vendors to create and issue these documents.
- Additionally, AAMVA developed fraud prevention e-learning courseware originally designed for DMV staff around the nation that can be applied to any organization that comes in contact with driver licenses and other forms of identification.
- Standards bodies, such as the American National Standards Institute’s (ANSI) Identity Theft Prevention and Identity Management Standards Panel (IDSP), work to develop and promulgate the use of voluntary consensus standards and guidelines that will aid government and other sectors in minimizing the scope and scale of identity theft and fraud.
- Third party systems, such as VitalChek, provide a secure ordering process to ensure that birth certificates are issued to only those persons that are legally entitled to receive a certificate.
- Consideration of authenticating proof of identity through the use of specific biometrics, that are unique to an individual, such as fingerprints, retina or iris images, among others. Based on the outcome of a limited pilot to test
effectiveness of biometrics in enhancing system monitoring (see Recommendation 21), VSU may wish to consider the impact of this technology in birth certificate issuance.  

Ensuring that VSU and local registrar offices have access to the resources and training that will enable them to adopt more advanced methods to detect fraud will require funding. VSU should examine a variety of options to implement a range of practices – basic to advanced – and evaluate methods of funding specific initiatives, based on cost and impact to the vital statistics program.

**Benefits**

Benefits of leveraging external verification practices include:

- Deterring fraudulent requests for birth certificates by enabling the detection of fraudulent identification
- Utilizing technology to verify and validate an individual’s identification
- Creating a heightened awareness that issuing a certified copy of a birth record requires greater diligence on the part of the applicant and registration districts

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RECOMMENDATION 13: Establish processes whereby an applicant ordering birth certificates for someone other than themselves can document their relationship to the individual whose birth certificate they are requesting.

ISSUE
In most cases, there are not clear, published processes that require an applicant to demonstrate their relationship to the registrant when applying to purchase a birth certificate copy.

CURRENT ENVIRONMENT
In addition to affiliation by blood, marriage, adoption, guardianship, legal agent, or law enforcement or government agencies and other persons with a direct and tangible interest, a properly qualified applicant may also be a person who has submitted an application for request to release personal information and has been approved as outlined in administrative rule [25 TAC Section 181.1 (22)].

Local registrars and VSU use documented processes, as well as their discretion, in requiring applicants to demonstrate their relationship to a registrant for whom they are seeking a birth certificate copy.

Orders processed through the mail or submitted online do not require applicants to provide documentation showing their relationship to the registrant.

RATIONALE FOR CHANGE
The current process creates an opportunity for the fraudulent purchase of birth certificates. Rather than attempt to assume someone’s identity to purchase a copy of a birth certificate, potential perpetrators of fraud can use their actual identification to
gain access to another person’s birth certificate by assuming a relationship to the registrant as a qualified applicant.

Documentation requirements vary based on relationship. For example, a guardian, who is considered immediate family, is required to submit legal papers as proof of guardianship. On the other hand, an individual who represents him or herself as a family member, such as brother or grandmother, is not necessarily required to present documentation.

Further, siblings who have married, parents who have divorced and/or remarried, and stepparents may be legally qualified applicants for a certified copy of a birth record of a registrant whose last name is different than theirs. Without requiring proof of their relationship to the registrant, individuals in these categories may be suspect.

**IMPLEMENTATION CONSIDERATIONS**

To implement this recommendation, VSU should consider amending administrative rule [25 TAC Section 181.22]. Additional provisions may be required, outlining the specifics related to ensuring that all qualified applicants prove their relationship to the registrant.

Approving the status for some applicants may be straightforward. For example, parents of the registrant may be exempt from providing documentation of their relationship to the child, so long as their name is on the child’s birth certificate, and the age on the birth certificate is coordinated with the age shown on the parent’s current identification.

Other applicants, such as grandparents, stepparents and/or legal guardians, may need to provide documents which may not be readily available and/or more than one piece of documentation to demonstrate their relationship. For example, in the case of a grandparent, the individual might show their relationship by providing a birth certificate of their child, whose name would then be checked against a parent’s name on the birth certificate for which they are applying. Siblings with married names may have to provide a marriage certificate and their birth certificate, to demonstrate their relationship to the registrant.

VSU may consider creating a relationship matrix for issuing agents to use to aid in ensuring that copies of birth certificates are provided to qualified applicants only. Each type of applicant would be listed, along with the specific relationship documentation required to apply for the birth certificate. This information should be made available to the public to ensure that they are aware of the processes related to this complex process.

**BENEFITS**

Benefits of requiring documentation to prove the applicant’s relationship with the registrant include:

- Ensuring only qualified individuals can access an individual’s birth certificate
• Improving the security of personal information
• Standardizing the process by which qualified applicants can purchase a birth certificate
RECOMMENDATION 14: Consolidate purchasing of security paper/issuing medium through a contract established by VSU with distribution done through the approved vendor(s).

ISSUE

Disaggregated purchasing of birth certificate paper leads to unnecessary variation of paper among issuers and the publication of security requirements in public documents.

CURRENT ENVIRONMENT

Currently, VSU and 469 local registrars have the ability to purchase security paper from several vendors, provided that the paper purchased meets the security features specified in administrative rule [25 TAC Section 181.28 (c)].

In order to create that compliance, the state publishes all of the required security features in the public domain. Security paper can be purchased from different vendors with slight variations in compliance with required certification standards.

Additionally, each local registrar disposes of his or her own unused, or voided, security paper through individual processes.

RATIONALE FOR CHANGE

Through consolidated purchasing of the issuing medium, the state can improve the security features and the cost, and in the same action create automated processes to track the number of birth certificates issued across the state.

Currently, to enable vendors to comply with security paper specifications, the required security features are published in administrative rule. Public disclosure of the security features creates an opportunity for fraudulent use as individuals may reference these requirements in an attempt to create false documents. Security features embedded in other state-issued identification, such as Texas driver licenses, are not published publicly, making it more difficult to create false identifications.

As specified in administrative rule, some of the security features of certified copies or abstracts of birth records include:

- Consecutive numbers – documents that contain sequential numbers for control purposes
- Background security features – a repetitious design consisting of a pattern that hinders counterfeiting efforts
- A copy void pantograph – the word void appears when the document is photocopied
- An engraved border – a border that is produced from engraved artwork containing images from fine lines to very complex patterns
- Microline printing or security thread – a line of small alpha characters in capitol letters that requires a magnifying glass to read

Source: [25 TAC Section 181.28 (c)]
Additionally other state registrars maintain secret features in their issued birth certificate copies.

One of the weaknesses of the current issuance process is that the state cannot quantify the exact number of birth certificate copies issued each year. The ability for each local registrar to purchase paper for its own use, and maintain separate systems, impedes the state’s ability to reconcile the number of certificate copies issued across the state with the amount of security paper purchased. Ensuring that the security paper, or other issuing medium, is purchased and disseminated in a controlled fashion is a critical component to preventing the creation of fraudulent certificates. Although there are established security features for paper, purchasing paper from more than one vendor creates the opportunity for variations in format and style. Differing formats and styles can create difficulty in recognizing whether a certificate is authentic, increasing the chance of fraud.

A centralized volume purchasing agreement will create new opportunities to realize cost savings for all parties, while providing enhanced and new security features. Additionally, the ability to track and monitor issued copies of birth certificates, issued paper, and voided paper is possible, providing a method to identify trends and potentially fraudulent practices. Finally, by initiating a procurement event, consideration for an issuing medium other than paper, which could potentially provide an entirely new level of security features, can be employed.

**IMPLEMENTATION CONSIDERATIONS**

To implement this recommendation, VSU should initiate a procurement planning effort that considers paper/issuing medium delivery in a broader context of distribution and validation that supports other security processes of the state. The procurement would need to incorporate mechanisms that allow for direct payment by registrars and distribution directly to registrars in order to minimize the operational impacts.

As part of this effort, VSU should amend administrative rule to remove specifications for security paper, enabling the State Registrar to establish and maintain enhanced security provisions for paper issued statewide.

**BENEFITS**

Benefits of centralizing the purchasing of security paper or other issuing medium include:

- Reducing price by aggregating the small quantity of paper purchased by individual local registrars into statewide volume
- Enabling the inclusion of security features without having to publish those features into the public domain
- Distributing paper from the approved vendor(s) enables enumeration of paper that can be tracked, monitored, and reported to the state
- Revising or implementing new paper security features, or switching to a different issuing medium, as conditions warrant
RECOMMENDATION 15: Enhance provisions regarding the possession of birth certificates of others in order to discourage the casual treatment of the birth certificate.

ISSUE
The birth certificate is a document that is used for many day-to-day activities – going to school, playing in sports – but in the wrong hands serves to create a false identity, false credit lines, and other fraudulent uses. In the right hands it is a tool, in the wrong hands, a weapon, and the state should create provisions that discourage the casual treatment of the birth certificate by parties using the document for day-to-day certification practices.

CURRENT ENVIRONMENT
Health and Safety Code specifies that the possession of a birth certificate “for purposes of deception,” to possess, use, sell, or furnish a certified copy of a birth record related to another individual, is a third degree felony [HSC Section 195.003 (d) and (f)].

Individuals who possess a copy of a birth certificate that is not their own pose a risk to the birth registrant in the event that the document is lost, stolen, or subject to careless action. Yet, as a means to verify age, copies of birth certificates are commonly requested by schools and sports leagues, institutions and organizations that have no intent to defraud.

To reduce the potential that well meaning individuals may cause birth certificates to be exposed to careless action or loss, the use of long form birth certificate copies for these purposes should be discouraged; new abstracts (see Recommendation 16) should be utilized for these purposes.

RATIONALE FOR CHANGE
While the provision of statute is enforceable regarding malicious intent, it does not address the culture of using copies of birth certificates without malicious intent. For example, asking for a birth certificate when other identification would suffice, or when taking possession of the birth certificate of another without responsibility to safeguard that document to a sufficient standard. Having certified copies of birth records in the possession of a third party can create a significant security risk to the registrant if the birth record is not treated with care.

False Records
A person commits an offense if the person intentionally or knowingly makes a false statement or directs another person to make a false statement in an application for a certified copy of vital records.

Source: [HSC Section 195.003(d)]
Recent legislation regarding the security of electronic medical records may provide some guidance regarding the responsibility to safeguard critical private information of others such as a birth certificate. Additionally, Transportation Code may provide some guidance in creating provisions discouraging the possession of another’s birth certificate. For example, Transportation Code makes it a Class A misdemeanor to lend a driver license to another person [TC Section 521.451 (2)]. While not an exact template for this issue, Transportation Code addresses the importance of treating identification documents seriously and restricting their handling.

**IMPLEMENTATION CONSIDERATIONS**

The Texas Legislature may consider alternative methods to establish restrictions on possession of another’s birth certificate along the lines described above.

As noted, there is no statute currently in effect to restrict who may possess an individual’s birth certificate. To give equal or more stringent consequences for wrongful possession, legislative action will be required, either by creating a new statute, or amending a related existing statute.

**BENEFITS**

Benefits to creating a law restricting possession of a birth certificate copy to only an affected qualified applicant include:

- Creating individual heightened awareness to better secure birth certificates
- Enhancing the security of personal information since only qualified applicants will be able to retain copies of an individual’s birth certificate, and the number of birth certificates in circulation should decrease
- Giving parents legal grounds to deny coaches’ and program leaders’ requests for copies of a child’s birth certificate
- Deterring fraudulent use by prosecuting punishments for wrongful possession of a birth certificate that include jail time and/or monetary fines, pursuant to provisions of Health and Safety Code
RECOMMENDATION 16: Implement the consistent use of a document that certifies age, but not identity, such as the Birth Verification letter, as a substitute for the issuance of a certified copy of a birth record.

ISSUE
Copies of individuals’ birth certificates are requested for and provided to organizations as a means to verify age only, and not identity.

CURRENT ENVIRONMENT
To enroll a child in sports organizations or other youth programs, parents may request several copies of birth certificates to satisfy verification of age requirements as most youth programs currently accept only certified copies of birth. National organizations, such as Little League, offer suggestions for parties required to show the age of the prospective participant, directing individuals to purchase a copy of the child’s birth certificate from the State Registrar.

Administrative rule provides for verification of age and defines birth verification, as “a noncertified statement only of the registrant’s name, date of birth, and place of birth as it appears on the birth index” [25 TAC Section 181.1 (30)]. The intent of birth verification documentation is to provide proof of age for sports organizations, youth programs, and similar functions.

A separate, but related, provision of rule specifies that after ten certified copies of a birth record are issued since the original date of filing, the birth record is flagged as abused [25 TAC Section 181.24 (a) (1)].

RATIONALE FOR CHANGE
Organizations that retain birth certificate copies for proof of age may not understand the security risk of improper safeguarding of birth certificates. Reducing the amount of personal information shared will improve privacy and reduce the probability of the information being used fraudulently.

Birth verification is intended to provide a means for authorized organizations to conduct checks on vital records information where data elements are primarily limited to name and date of birth. Using birth verification within sports organizations will reduce the number of birth certificates issued and distributed, eliminating the need to expose personal information.
Additionally, with a maximum issuance of ten certified copies of birth, there is a risk of incurring a possible flag of the record as abused, depending on the number of programs for which a certified copy is needed.

Other states, such as Minnesota and New Mexico, have implemented or plan to implement similar age verification processes. By creating a national heightened sense of awareness around securing birth certificate copies, fraudulent use could decline. Additionally, because many of the youth sports organizations and youth programs have a national presence, if more states begin implementing an age verification document the reliance on certified copies of birth certificates should decrease.

**IMPLEMENTATION CONSIDERATIONS**

In cases where only the age of an individual needs to be verified, a letter containing the birth verification should be used. Birth verification does not contain other personal information, thereby limiting the amount of personal information shared with the sports organization or youth program.

VSU has initiated a process to implement a viable alternative to issuing certified copies of birth records that can meet the needs of youth programs. In the future, VSU may also consider expanding this process to include online verification, with consideration for incorporating appropriate security controls and fee structure.

The implementation of a communications plan that educates youth sports organizations and youth programs is also critical to successful implementation of this recommendation. This initiative could also pose an opportunity to collaborate with other states in raising awareness amongst youth sports organizations with a national presence to encourage such entities to accept age verification documents over original birth certificates (see Recommendation 17).

**BENEFITS**

Benefits of implementing a document that verifies age, but not identity, such as the Birth Verification letter, include:

- Improving the security of personal information on a birth certificate copy by not disseminating to third parties, unnecessarily
- Reducing the number of copies of birth certificates in circulation
- Maintaining a revenue source for VSU through age verification
RECOMMENDATION 17: Implement a communications plan to educate citizens regarding their responsibility for safeguarding their birth certificates, stressing the criminal penalties for wrongful possession and use, and communicating updated and new policies and procedures.

ISSUE
Improvements to birth record security cannot be made without the communication, outreach, and education of all stakeholders in the process.

CURRENT ENVIRONMENT
Concerns about identity theft are a staple of media news coverage. From concerns about information shared on social media websites, to appropriate usages of personal credit cards, there are a multitude of safeguards about which citizens are educated to help ensure the privacy of their personal information.

Birth certificates may be used for purposes other than establishing an individual’s proof of citizenship, identification, and relationship to his or her parent(s). One concern is the growing number of birth certificate copies requested to verify an individual’s age, rather than their identity (see Recommendation 16). In these cases, individuals are requesting sensitive data, but may not be safeguarding the birth certificates provided as proof of age. This exposes individuals to a significant opportunity for identity theft.

RATIONALE FOR CHANGE
Vital records, including birth certificates, are critical pieces of identity information and must be maintained securely. Educating citizens on the role of the birth certificate in gaining access to other forms of identification, as well as access to state and federal programs, is a component of a statewide strategy to heighten awareness and strengthen security of the birth record information system.

Citizen-facing topics that should be addressed in a communications plan include:
• Potential VSU process or system changes – provide advance notice of any factors that may affect certificate issuance to minimize delay or inconvenience to citizens. Topics such as changes to identification requirements, requiring proof of relationship between an applicant and the individual whose birth certificate is being purchased can impact documentation necessary to apply for a birth certificate.
• Consolidation of local registrar offices – consolidation may inconvenience individuals in smaller towns, who may have to travel further to get access to an issuing office.

Other stakeholders who are more directly involved in the process, such as local registrars, health administrators, and health care practitioners, will also be impacted by changes. Ensuring that these individuals are apprised of changes will be critical.

**Implementation Considerations**

VSU should develop a communications plan that addresses how changes to policy, process, and technology within the vital statistics program will affect citizens and program stakeholders. Extending outreach to constituents, such as youth sports organizations and youth programs, will be important to implement changes in practice, such as the Birth Verification letter.

VSU should evaluate existing communications channels within the agency that will reach the broadest number of individuals with appropriate presentation of information and access to provide input into the process.

**Benefits**

Benefits of implementing a communications plan include:

• Facilitating statewide initiatives to improve security within the birth record information system
• Educating citizens on state law, policies, and processes in place regarding birth certificate issuance
• Heightening awareness about the sensitive nature of birth certificates
• Improving communication opportunities with third party entities, such as youth sports organizations and other youth programs
RECOMMENDATION 18: Initiate a review of fees and funding structure within VSU.

ISSUE
VSU is funded through a series of fees that have been amended and changed over time. Several recommendations in this report would further refine the nature of use of the data, and it is an appropriate time to reassess and establish a funding structure that ensures the long-term sustainability of the oversight of this critical asset.

CURRENT ENVIRONMENT
The state’s vital statistics program maintains more than 47 million records of important events in Texans’ lives, including births, deaths, marriage applications, report of divorces, adoptions, and paternity changes. VSU produces documents that federal and state entities use to establish identity, citizenship, ownership, entitlement to benefits, and passport travel authorizations. VSU is the fundamental source of natality, mortality, and demographic data by registering these vital events, including births, deaths, fetal deaths, and suits affecting the parent-child relationship. VSU issues nearly one million copies of certified records annually.²⁵

Health and Safety Code enables VSU to charge fees for providing services and maintaining the state’s vital statistics system [HSC Section 191.0045]. Statute further specifies that a vital statistics fund in the state treasury is to be used to defray expenses incurred in the administration and enforcement of the state’s vital statistics system [HSC Section 191.005]. Statute also provides that local registrars charge the same fees as VSU, but allows a separate $1 fee per transaction to be charged by local registrars for preserving vital statistics records in their jurisdiction [HSC Section 191.0045 (d) (h) (1)].

Through administrative rules, VSU has established 19 different fees for services: ranging from generating certified copies of birth records to processing and issuing a disinterment permit [25 TAC Section 181.22]. A primary source of revenue from authorized fees is the sale of certified copies of birth and death records.

Additional revenue is received through federal initiatives, such as Social Security Administration (SSA) data sharing and participation in the NCHS Vital Statistics System.

Cooperative Program. Also, revenue is generated by interagency contracts to support other state agencies’ programs.

The Registrar’s office is responsible for the creation and maintenance of a statewide system of vital statistics, which includes services provided by and for VSU:

- A wide variety of services and functions is performed by VSU to provide appropriate vital records information to authorized state agencies and other government entities and to maintain the state’s system of vital statistics. Fees established for these services vary across contracts.

- A contractual relationship that supports the state’s vital statistics program is the use of the official state portal, Texas.gov. Through the master work order, online ordering and imaging of VSU vital records is provided. This contract, which ends in August 2014, has substantial impact on fees collected and distributed.

**Rationale for Change**

Given VSU’s critical mission to safeguard vital statistics records and data, the organization must be able to identify business needs and plan for the development of solutions that secure and safeguard citizen information, deliver a responsive and resilient information system, ensure the integrity and accuracy of data and information, and enhance the customer experience.

Using these tenets as the foundation to deliver a strengthened and effective birth record information system, a viable fee and funding model should be explored. A new funding model that supports the implementation of best practices should be put in place, which will yield more meaningful results than introducing incremental changes to the current funding model.

**Implementation Considerations**

Agency and state leadership support is critical to the success of this recommendation. A comprehensive review and reengineering of funding models requires a collaborative work effort to succeed. Coordination with all stakeholders, including local registrars, will be crucial, as fiscal impacts to these entities will need to be considered.

The opportunity to end or renegotiate the master work order regarding collected fees will happen during the upcoming biennium. This event provides a critical opportunity to either address several challenges described in this report, or to capture fees to accomplish the recommendations through other means.

**Benefits**

Benefits of reviewing the fee and funding structure include:

- Creating the transparency of a public agency regarding expenditures and revenue
- Allowing VSU to better understand how resources are allocated
- Improving accountability to stakeholders and public citizens
• Providing a clear understanding of current state to better assess if a new fee structure is necessary
RECOMMENDATION 19: Establish minimum standards for physical access to security paper, certificates, and archival paper record storage.

ISSUE
Measures to control access to archived paper birth certificates and the paper used to print certified copies and abstracts of birth are not uniformly applied across locations.

CURRENT ENVIRONMENT
Current processes at VSU call for restricted access to paper assets. VSU maintains archived copies of all birth records for the State of Texas in a secured facility with controlled access and a fire suppression system to protect the storage of these records.

Access to this facility is available to selected VSU employees with the appropriate credentials. Additionally, access to the books that contain archived records is restricted to within the records room.

Local registrar processes to secure access to archived paper birth certificate and security paper vary throughout the state. The Local Registrar Handbook states that a local registrar is responsible for preserving the vital records in his or her office. As a function of site visits, VSU staff review and address requirements for establishing minimum security standards.

RATIONALE FOR CHANGE
Requiring minimum standards that must be met to maintain paper records can help ensure the security of birth certificates, and the personal information on the birth certificates. For VSU, the appropriate administrative, physical, and technical security safeguards, documented in VSU’s internal security manual should be consistent with industry standards and should be adhered to.

Local registrars do not maintain the same volume of records as VSU; however, with 469 districts, comparable security measures should be maintained. As noted previously in this report, in June 2012, approximately 500 blank certificates were misplaced or unaccounted for during the replacement of office equipment. To secure paper records and assets, and the information contained on those records, a minimum standard of physical access should be established and adhered to.
By establishing minimum standards related to access to paper records, VSU and local registrars will improve the security and confidentiality of the documents and personal information of citizens.

**IMPLEMENTATION CONSIDERATIONS**

VSU should consider amending administrative rules to require that local registrars conform to minimum standards for securing access to paper, consistent with security policies and procedures adopted by DSHS.

Based on requirements of minimum standards and the extent to which local registrar offices currently have the ability to conform to those standards, there could be a substantial fiscal impact to consider. For example, the cost of new security features such as doors, card readers, or keypads likely would require a more significant financial commitment.

**BENEFITS**

Benefits of establishing minimum standards for physical access to security paper include:

- Ensuring each location stores paper assets in a sufficient and secure manner
- Standardizing how paper assets are secured throughout the state
- Reducing the opportunity for theft or misuse
- Aligning state policy with NAPHSIS guidelines more closely
RECOMMENDATION 20: Standardize the form of certified birth certificate to one statewide format.

ISSUE
The state does not currently utilize one standard format for the certified issuance of a birth record, which creates unnecessary challenges in validating the birth certificate copies by both Texas organizations and external partners.

CURRENT ENVIRONMENT
One of the primary reasons that certified copies of birth records are issued to individuals is to enable them to establish proof of their identity. Texas issues more than one type of certified copy of a birth. Variations in the form exist based on where and for what purpose the certificate is being purchased, as well as the technology used to generate the certificate.

Administrative rule provides that two types of certified copies of birth records can be issued [25 TAC Section 181.28 (a) (1)].
- A full legal reproduction of the legal portion of the record
- An abstract of birth facts taken from the birth record
  - In the office of the jurisdiction where the registrant was born
  - From the State VSU
  - Derived from data electronically stored centrally at VSU
  - Abstracts include:
    - Standard certified abstract
    - Wallet certified abstract
    - Heirloom style abstract (only issued by the State Registrar)

Source: [25 TAC Section 181.28 (a) (1)]

Certified copies of birth can be issued as

Individuals who order a certified copy of birth from the jurisdiction where the registrant was born may purchase a reproduction of the legal portion of the birth certificate on file at that registrar’s office. In this case, the paper record is located in storage, unbound from the book in which it is stored, copied, and rebound and returned to the stacks. Alternatively, registration districts that utilize imaging systems can access an imaged copy of the certificate and print it.

If a local registrar utilizes the Remote system, the local registrar can provide an applicant with an abstract of the birth record, regardless of where in Texas the registrant was born.

RATIONALE FOR CHANGE
Issuance of certified copies of birth – and the format used to produce those copies – varies across the 469 local registrar districts. Locally-issued certified copies of birth records differ by issuing office and with variations in seal placement, signature line,
and other features, making it difficult to discern the document as being a certified copy of a Texas birth certificate.

 Agencies that issue identification, such as U.S. Passport Services issuing offices, must verify authenticity of the certified copy of birth. With variations across each type of acceptable certified copy or abstract of birth that exists in the state, it is a challenge to recognize and maintain knowledge of the legitimate variations that exist. Standardizing the certified copy or abstract of birth to one format would create uniformity and simplify the identification issuance processes.

To further simplify issuance processes, VSU should consider reducing the number of different types of abstracts of birth records available for purchase. Because a wallet-sized abstract of birth is generally not accepted as a form of identification by many issuing agencies, such as U.S. Passport Services issuing offices, its use is limited. VSU should consider eliminating the certified copy of the wallet-sized birth certificate as an option for purchase.

**IMPLEMENTATION CONSIDERATIONS**
To implement this recommendation, administrative rule would need to be amended [25 TAC Section 181.28 (a) (1)] to eliminate the issuance of a wallet-sized certified abstract. Through consolidated purchasing (see Recommendation 14), VSU can incorporate requirements for a standard format for security paper used to print certified copies and abstracts of birth records in the solicitation process.

Gaining access to all available types of certified copies and abstracts can be facilitated through access to a central database (see Recommendation 23). By accessing a central database, local registrars could eliminate the time consuming practice of copying paper records. This will not only save administrative time, but it reduces the potential for documents to be damaged, lost, or stolen as part of the binding and unbinding process. Additionally, all registrars would have access to print certified abstracts of birth records, regardless of the applicant’s place of birth in Texas.

**BENEFITS**
Benefits of requiring standardized forms of birth certificate copies include:
- Recognizing fraudulent Texas birth certificates more easily
- Reducing the time spent by registrars and other verifying agencies on authenticating a Texas birth certificate
- Allowing for the purchase of one type of security paper
- Incorporating the same security features on all Texas birth certificates issued during the same time period
RECOMMENDATION 21: Enhance functionality of the state’s birth record information system by improving the security processes and monitoring of system use, including consideration of a pilot of biometric identity validation.

ISSUE
The current birth record information system lacks certain security features, as well as the ability to monitor and track system usage, and provide auditing controls that are critical components to safeguarding birth record data.

CURRENT ENVIRONMENT
More than 38,000 users have varying levels of access to the TER system. Each user has a unique name and password, which are required to access the system. Passwords are updated every 90 days. With no timeout feature in the system, once a user has signed on, that individual’s access remains active until the user has manually signed off. Currently there are no formalized audits of user access by VSU or local administrators to be certain that those users who have left service or changed positions have had their access suspended in the system.

The TER system also provides minimal logging of activities. Within the registration module, transaction logging is limited to the creation of the record and the most recent transaction executed. After completion of the registration module, all transactions are logged and tracked.

RATIONALE FOR CHANGE
Due to the sensitivity of the data in the TER system, and potential for fraudulent activity or use of that data, ensuring adequate security, tracking, and monitoring functionality is of paramount importance. VSU may be exempt from certain regulations related to health information technology, such as the Health Insurance Portability and Accountability Act (HIPAA). However, the standards set forth in these regulations serve to guarantee measurable assurance and auditability of system activities. These types of system controls are critical to safeguarding data, and ensuring the integrity of the state’s birth record information system.
In the current system, a user could simply give an unauthorized individual their user name and password allowing them full access to the system. Proper logging of activities, coupled with application monitoring functionality, would provide VSU with tools to identify usage patterns associated with inappropriate or fraudulent activities. Monitoring tools would provide VSU the ability to conduct system audits of user activity and provide key information needed to effectively manage the system.

**IMPLEMENTATION RECOMMENDATIONS**

To implement this recommendation, VSU should conduct an evaluation of the functionality needed to strengthen system security and monitoring, and based on the results, develop a business case to enhance or replace the system.

Additionally, VSU should coordinate with facility administrators to verify that each user authorized to create a birth record actually performs that function. The principle of least privilege should be enforced and conducting a survey that verifies user privileges will provide insight into procedural controls that may need to be established or enforced.

As noted, the current system has over 38,000 users and each user has a unique user name and password to access the system. This level of access security to the system is adequate; however, the importance and sensitive nature of the data held in the system speaks to the need for added layers of access controls.

Examples of access controls VSU may wish to consider include:

- Strengthened authentication requirements for login
- Password reset requirements
- System timeouts after a period of inactivity
- Additional security question when accessing system from another computer

In concert with other recommendations in this report and to reduce exposure to security incidents and opportunities for fraud, VSU may consider piloting the use of some biometric capabilities as a component of certifying system access for users. This pilot may be rolled out by type of facility, by geography, a combination of these factors, or other criteria. Biometrics may be used in a variety of ways to support the user identification process. Any such project should have the goal of enhancing the security of vital records and enhancing VSU’s mission.

**BENEFITS**

Benefits of improving the security processes and monitoring of system use include:

- Improving the audit capabilities that could be performed
- Creating a way for VSU to be alerted to suspicious activity or usage
- Enhancing the security of personal information by timing out the user after a period of inactivity
- Allowing for the possibility to incorporate biometrics in a system upgrade/replacement
RECOMMENDATION 22: Assess implications of adopting national standards for Electronic Verification of Vital Events (EVVE) data across jurisdictions and programs against current capabilities and program funding model.

ISSUE
Texas does not employ national standards for providing secure electronic access to verify birth record information with other state and federal agency programs that provide government services or issue identification.

CURRENT ENVIRONMENT
Many federal and state agencies rely on birth certificates for proof of age, proof of citizenship, identification for employment purposes, issuance of benefits or other documents (driver licenses, Social Security cards, and passports) and to assist in determining eligibility for public programs or benefits.

Verifying that a certified copy of birth, or the information contained in the birth record, presented to any government office across the country matches an official state record allows for these agencies to serve citizens promptly, while providing protection against the potential use of birth certificates for fraudulent activities and safeguarding the confidentiality of birth and death data.

In collaboration with federal and state entities, NAPHSIS has developed and implemented the Electronic Verification of Vital Events (EVVE) system. EVVE allows immediate confirmation of the information on a birth certificate presented by an applicant to a government office anywhere in the nation regardless of the place or date of issuance.

In response to a system query by an authorized federal or state agency user, a participating vital records jurisdiction either verifies or denies the match with official state records. It also flags positive responses when the person matched is now deceased.
At present, VSU does not participate in the national system. However, the state’s birth record information system supports verification queries with authorized agencies and organizations. As of April 2012, 38 states had implemented EVVE.26

RATIONALE FOR CHANGE

EVVE was developed and deployed as a pilot in 2002 to verify social security benefit eligibility in a timely and secure fashion. Today the Social Security Administration uses EVVE to verify proof of age and place of birth as a program requirement before issuing social security benefits.27

Additional agencies that are currently using EVVE include:
- State Medicaid offices
- U.S. Passport Services facilities
- State motor vehicle administration offices
- Office of Personnel Management

EVVE establishes commonality across 57 vital registry jurisdictions and conforms to the various laws that govern access and use of birth records across these jurisdictions. Using EVVE, a variety of government agencies can securely and rapidly verify accuracy of vital records information through a standard Internet-based user interface against 250 million birth records in vital record databases nationwide.28

IMPLEMENTATION CONSIDERATIONS

Participation in EVVE would have fiscal impact to the state’s vital statistics program. Because the program is funded in part through database queries and birth verification

transactions within the state’s birth record information system, VSU participation in the EVVE system would negatively impact revenue for the program.

VSU will gain additional insight into funding options through its review of its fees and its funding structure (see Recommendation 18). Concurrent with this assessment, VSU should develop a business case to evaluate functional and technical impacts to implementing the EVVE system.

**BENEFITS**

Benefits of implementing national standards include:
- Improving customer service by facilitating rapid access to accurate and verifiable vital record data
- Supporting future transactions between the vital records offices and EVVE users
- Offering a secure mechanism for communication between agencies and vital records offices
RECOMMENDATION 23: Schedule the decommissioning of TER and Remote Birth Access, and require VSU, in coordination with local registrars, to develop and deploy a new system that can serve as a single state electronic birth and death records system.

ISSUE
Advances in technology, expectations of customers, and government regulations in response to terrorism have created a need to strengthen and modernize the functionality and security of the state’s birth record information system.

CURRENT ENVIRONMENT
The TER system contains a birth and death module, each specifically designed to support the processes related to the respective activities. All birth records are contained in a birth records master file. Users are supplied varying levels of access to the system, depending on their function.

Almost all births in Texas are registered directly into the TER system, primarily through hospitals. Upon authorization by VSU, certified health care providers – hospitals, birthing centers, midwife birthing centers or independent midwives – can set up access to the TER system at their facilities. Installation for health care providers can be completed online.

Each facility must assign an administrator, who designates access to local users at each facility. Users access the system online using passwords to gain access to the system. Birth record data is manually entered at the facilities. Once the records are officially released, the data is sent to the birth master file at VSU. Any record released in Texas can be issued by VSU within 24 hours.

Local registrars are typically granted access right to create birth records directly in the TER system to register the small percentage of non-institutional births that occur in the state. In these instances, local registrars collect supporting documentation in order to enter the birth into the TER system. Local registrars do not have direct access to the birth records master file.

Local registrars who are authorized to use the Remote system, an application that shares the database but is not integrated into the TER system, use this application to print a certified abstract of a birth certificate for any individual born in the state.

As Texas looks towards the future, securing the vital information of its citizens is a critical priority. This goal cannot be effectively achieved through incremental modifications to the legacy TER system.
Queries of the master birth index are performed through Remote to locate a registrant. Once the birth record is located, an abstract can be printed by the registrar.

In addition to local registrar’s access to Remote, other health and human services agencies are authorized to utilize this system to serve applicants and customers of their programs. As a means to provide authorized users a lookup capability, a gateway that queries the state database has been implemented to verify birth data for the Texas Medicaid Program within HHSC. The gateway provides online responses to requests for verification of birth records for applicants of Medicaid services.

**Rationale for Change**

The TER system is based on proprietary and outdated technology. While TER provides a measure of data security, the system requires implementation of manual controls to ensure limited data access and security monitoring. Additionally, the amount of manual intervention required to ensure data is protected requires ongoing effort on the part of VSU, which impedes its ability to provide consistent and timely data to DSHS and health and human services programs without significant cost.

Through replacement of the TER legacy system, VSU will be able to support real time, secure health information data exchanges. In pursuing a modernization effort, VSU will establish safeguards with the system to protect client data and ensure privacy from inappropriate or illegal access, as well as enable efficient data exchange with health and human services agencies.

As a benefit to citizens, a single records system will allow for birth and death certificates to be issued from any county, not only the county of birth. While a statewide solution exists today, it is not integrated into the TER system, and many local registrars do not participate in this solution. In these locations, to meet citizens’ needs, such as printing a an abstract copy of a birth record, the local registrar would be required to print from a duplicate record of the state’s database, which is not the system of record.

A critical success factor in implementing a number of recommendations in this report is heavily impacted by the implementation of a new system. Throughout this report, issues related to the need to enhance system functionality and strengthen security within the state’s birth record information system have been identified (see Recommendations 6, 7, 8, 20, 21, 22, 23, and 29). Auditing, searches, standardized reports, and data matching can all be improved with an improved birth record information system. Additionally, interactions with other systems, including EHRs, health information exchanges, data verification, and exchanges across jurisdictions will be facilitated by implementing modern technologies within the state’s birth record information system.

**Implementation Considerations**

Decommissioning the TER system is a process that will require careful planning and coordination with users of the system, especially local registrars. Incremental
improvements to the current system during the replacement planning process should continue. Overall, the TER system has a fairly high user satisfaction rating, and ensuring its continuous operation is critical.

Decommissioning TER will require an examination of the existing fee structure (see Recommendation 18) to develop a model that supports a single, central database for use in the state. The system today serves citizens, and local registrars take great pride in their service to citizens through their systems. That capacity for delivering quality customer service must continue.

The system architecture will need to be flexible enough to support the access requirements of local registrars. It will also need an infrastructure flexible enough to share data across systems securely and efficiently, either through direct connections or messaging.

**Benefits**

Benefits of decommissioning of TER and implementing a single statewide system include:
- Enabling VSU to manage one central database
- Incorporating recent security features and enhancements into a new system that could not be added to TER in a cost effective manner
- Allowing all local registrars to access records for events that did not occur in their jurisdiction
- Creating a flexible platform that will enable VSU’s birth record information system to interact with other systems both on a state and national level
RECOMMENDATION 24: Protect the integrity of VSU birth and death registration system(s) by applying consistent practices on the use of the data by other organizations.

ISSUE
Data warehouses, which have not been sanctioned by VSU, that are derived through replicated data can undermine the security and integrity of the state’s birth record information system.

CURRENT ENVIRONMENT
Health and Safety Code requires that birth, death, and fetal death certificates be maintained in a systematic manner by the State Registrar [HSC Section 191.032]. Local registrars must also maintain paper records of the birth certificates, for at least one year, of the births that occur in their jurisdiction. If the local registrar has electronic access to birth, death, and fetal death records maintained by VSU, and certifies to the State Registrar that a record has been verified against the records contained in VSU’s database, the registrar is able to destroy that record after one year [HSC Section 191.026 (e)].

Local Registrars – Some local registrars store their own databases of information that contain information about registrants born in and/or out of their jurisdiction. This enables the local registrar to print records without triggering a fee to use the Remote system and/or enables the local registrar to issue a record without the requirement of unbinding paper records of registrants.

If records are issued from the local databases rather than VSU’s database, then VSU cannot have an accurate count of the number of certified copies of birth records issued to the community. Additionally, any changes to records that may occur centrally at VSU, such as court-ordered name changes, amendments and/or delayed records of birth, may not be updated in local registrars’ databases. These inconsistencies may be problematic when registrants are attempting to access their records, and vital statistics data can have inconsistencies because of the existence of independent databases.

Local registrars with access to the Remote system can print abstract birth certificates of registrants not born in their jurisdiction. Utilizing the Remote system to print such records requires that a fee be paid by the local registrar to VSU.

Other Governmental Agencies – VSU has contracts with other governmental agencies to enable access to the VSU database. For eligibility determination, HHSC has approximately 7,000 employees who access the Remote system. With the use a
secure gateway, that enables pass-through connections to the database, HHSC is able to perform queries to support its eligibility determination processes.

The Texas Department of Family and Protective Services (DFPS) also has a contractual relationship with VSU. The DFPS user group if not as large as HSCS’s, and DFPS access to the system is not query-based, but allows for a closer view into some components of the VSU database.

Non-Governmental Agencies – For profit companies are in regular contact with VSU in attempts to secure some level of access to VSU’s data. Texas Government Code provides that an individual’s birth record data is not made public until the 75th year after an individual’s birth, and death information is not publicly available until after 25 years from when an individual died (see Recommendation 25) [TGC Section 552.115 (a) (12)].

Health Information Exchanges – Looking towards the future, the development of Health Information Exchanges (HIEs), may also pose an issue for the external warehousing of data. As HIEs mature, they will be warehousing components of vital statistics data from a number of sources. Collectively, this information could be compiled in a construct that may mirror a birth record, whether by design or not. This potential for the inadvertent re-creation of a birth record can create a security risk for data that citizens will expect to be safeguarded.

RATIONALE FOR CHANGE
Ensuring that VSU has control over Texas citizens’ vital statistics data, as expected by the Legislature, is a critical priority. While entities need to leverage data to validate other responsibilities they hold, VSU must be proactive in how it allows that validation without enabling the replication of data it is charged with safeguarding; high security standards must be consistently applied to the data.

VSU’s interagency contracts specify that the unauthorized replication of data is a violation of its agreement. Partners must understand that being granted the authority to view a record does not also grant the authority to replicate or store a record. Conversion of any viewed data, from data fields to screen shots, into a warehouse utilized by a third party without VSU’s authorization, must be strictly prohibited.

Once vital statistics data leaves the security of VSU, the ability to certify its accuracy is compromised. Data about citizens can be, intentionally or not, manipulated, deleted and/or misrepresented in some fashion. VSU should discourage any warehousing of data that does not support its mission.

IMPLEMENTATION CONSIDERATIONS
VSU should consider how to extend and standardize methods to allow external parties to validate data in the database without sending raw data to entities with different security levels from those maintained by VSU. Requests for raw data should be treated as any other request for personal information and appropriately addressed, or,
at minimum, redacted to the level that limits the opportunity for identity theft. The Legislature may also provide additional guidance as to establishing an extremely high standard that would have to be met regarding the release of raw birth certificate data.

In order to best serve the stakeholders interested in data maintained by VSU, the organization may consider establishing a secured gateway for access to its data. VSU should work with stakeholders to determine the most commonly queried data sets and create a secured means of requesting this data. Any such mechanism may be developed with safeguards to minimize the ability of third parties from storing data queried.

**Benefits**

Benefits of protecting the integrity of state birth and death data include:

- Enhancing the overall security by ensuring central control of the data and access to the data
- Sharing accurate information of any changes made centrally to records, which reduces inconsistencies in vital statistics information
- Redirecting financial and operational investments made by local registrars to maintain their own databases to other projects, which can improve service and security at the local level
- Enhancing agency revenue if data in the public domain can be packaged and certified
- Creating a gateway interface for VSU to accept other state agencies’ data for electronic verification
RECOMMENDATION 25: Establish the timetable for publicly releasing vital records information to 125 years after a birth and 50 years after a death.

ISSUE
Information about a person’s birth is made publicly available 75 years after the date of birth. This can result in birth record information becoming publicly available while the individual is still alive, jeopardizing the individual’s privacy and security of personal information.

CURRENT ENVIRONMENT
Under existing state law, a birth record is made publicly available 75 years after the date of birth recorded in the file, and a death record is made publicly available 25 years after the date of death recorded in the file [TGC Section 552.115 (a) (1 – 2)]. With an increase in average life expectancy, an individual’s birth record may be made public while he or she is still alive.

RATIONALE FOR CHANGE
Current provisions of the Federal Model State Vital Statistics Act and Regulation (Model Law) specify that the length of time before which birth record information can be made publicly available is 100 years, and the length of time before which death record information can be released to 50 years. As the Model Law is currently under review, consideration is being given to increase the length of time for making these records publicly available to 125 years and 75 years, respectively.

An increase to 125 years is proposed for the release of birth record information since the number of centenarians continues to increase. According to U.S. Census Bureau data, the number of centenarians is projected to increase from 131,000 in 2010 to 834,000 in 2050. Planning for this expected increase in population aged over 100 years calls for increasing the number of years to 125 before birth record information can be released.

Securing death record information for an increased length of time also is important. As identity theft and other fraudulent activities increase, it is important to maintain the security of personal information for a substantial enough period of time after a person’s death. By extending the length of time that must pass before birth and death

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record information can be made publicly available, individuals’ personal information can be better safeguarded, decreasing the probability of identity theft and other fraudulent activities.

It is noted that genealogists request this information for legitimate reasons. However, for the purpose of strengthening the security of the state’s birth record information system, the potential for birth and death record information to be used fraudulently must be the foremost consideration.

**IMPLEMENTATION CONSIDERATIONS**
To implement this recommendation, the Texas legislature may wish to consider amending state law to increase public release of birth and death data to 125 years after a birth and 50 years after a death.

**BENEFITS**
Benefits of increasing the timetable for the public release of data include:
- Improving the security of personal information by delaying its public release
- Decreasing the chance of identity theft by retaining the confidentiality of death records, which contain more identifying information than do birth records
- Aligning Texas policy more closely to NAPHSIS guidelines, and improving upon the timetable for the release of vital records
- Acting proactively to protect birth and death records for a population whose life expectancy continues to increase
RECOMMENDATION 26: Require that death records for individuals of all ages who were born in Texas be matched with birth records, not only those under 55.

ISSUE
Texas does not perform a birth/death match for every citizen born in Texas who dies, which leaves a significant portion of birth certificates un-marked as “deceased.”

CURRENT ENVIRONMENT
VSU, upon receipt of a death certificate of a person younger than 55 who was born in Texas, identifies and notates the decedent’s birth record as “deceased” [HSC Section 191.034].

Currently, 91 percent of all deaths that occur in the state are entered directly into the TER system by funeral homes and medical certifiers. A data merge is performed to match these deaths with births.

For automatic matches:
- Death records received are placed in a queue to be potentially matched with the pool of birth records in VSU’s data warehouse.
- VSU initiates an electronic matching process to perform an exact match of the individual’s name as well as selected other information.
- For records where exact (or true) matches are obtained, the electronic birth records are automatically flagged as “deceased.”
- For all flagged records, the electronic versions of the birth records are automatically watermark flagged as “deceased.”
- The paper records at VSU are hand-stamped as “deceased.”
- Notifications are not sent to the local registrars over the jurisdiction where the registrant was born to hand stamp their paper records as “deceased.”

For manual matches:
- For records where exact matches are not obtained, the information is forwarded to OIG for review.
- If OIG finds a match, OIG will hand stamp paper records at VSU in Austin. They will also electronically watermark flag birth records as “deceased.”
- Notifications are sent to the local registrars in the jurisdiction where the registrant was born to hand stamp their paper records as “deceased.”
RATIONALE FOR CHANGE
The birth/death match for individuals who have died at age 55 and younger is a priority as individuals in this age category are much more susceptible to identity theft. This group has, on average, access to higher credit lines. They may travel internationally more frequently than older citizens. Ensuring the birth records in this population are stamped as “deceased” aids many agencies, both governmental (Passport Control, Immigration) and private (banks, credit unions).

Conducting a birth/death match for individuals deceased at age 56 and over will provide consistency and accuracy in the VSU program. Foremost is the need to reduce the incidence of fraud from identity theft. While SSA has made significant improvements in uploading death data to their database to cease social security payments to the deceased, other benefits may be fraudulently gained by assuming the identity of an individual over 55.

In addition to risks identified for deceased individuals younger than 55, older citizens may have pensions, retirement funds, or life insurance policies that may be at risk if their identities are stolen.

IMPLEMENTATION CONSIDERATIONS
A key to performing birth/death matching process is automation. The ability for the state to conduct automated matches has significantly increased. In 2007, only 5,719 (approximately 3.5 percent) of all death records were matched electronically. In 2011, that number increased to 136,985 (approximately 80 percent) of all death records filed.

Resource constraints require that the state prioritize this function. Where true matches are not obtained, potentially substantial levels of effort may be needed to perform manual matching activities. However, to the extent that true matches are obtained through electronic birth/death matching, VSU should seek to expand current electronic data matching functions.

The Texas legislature may wish to consider amending state law to require that death certificates registered for individuals of all ages be matched with births, not only those under 55.

BENEFITS
Benefits of requiring that death records be matched for individuals of ages (not only those under 55) include:
• Reducing the potential for identity theft
• Decreasing misuse of public aid programs such as Medicaid and Social Security
• Creating a standard process for matching the death record with the birth record, regardless of age
RECOMMENDATION 27: Re-evaluate and enhance the birth/death matching criteria.

ISSUE
The criteria currently used to conduct the birth/death match may be insufficient as a significant number of records not being matched.

CURRENT ENVIRONMENT
Currently, the birth/death matching process is completed for individuals born in Texas who died at age 55 or younger. Birth and death record matches are performed using automatic and manual methods (see Recommendation 26).

In 2011, 20,560 deaths were in the pool to be potentially matched:
- 10,987 were true matches completed electronically.
- 9,573 were attempts to do manual matches by OIG. OIG estimates they can match about 25 percent of the records that they receive.

RATIONALE FOR CHANGE
Birth/death matching is a challenging process for a variety of reasons. Nicknames are oftentimes used on a death certificate, whereas more formal names are listed on a birth certificate. An example may be a “Robert Nathaniel Rushmore” on a birth certificate and a “Bob Nathaniel Rushmore” on a death certificate.

Also, individuals may change their names through the course of their lifetime, and are under no legal obligation to notify VSU of a court-ordered name change. This makes matching a death certificate to a birth certificate an extraordinary challenge, without the assistance of family or close members of the decedent.

Other scenarios, such as marriages, divorces and adoptions, can complicate the birth/death matching process. With much of the matching criteria based on name, nickname mismatches are not given a secondary level of scrutiny, and remain as unmatched records.

IMPLEMENTATION CONSIDERATIONS
To implement effective birth/death matching criteria, VSU should consult with OIG to assess key factors that limit or impede the matching process. Criteria used in the electronic process should relate to the mechanisms used by OIG.
Certain nickname combinations, like Robert and Bob, or Margaret and Peggy, are very common. VSU and OIG might consider establishing a nickname database and using it in conjunction with the matching process. This may generate a series of matches that could go through a second review and might result in a higher percentage of matched records.

Expanding the fields for matching may also improve the birth/death match rate. Utilizing social security numbers as part of the process can aid in the matching process as this number, typically assigned at birth, does not change throughout an individual’s life. Establishing another round of review criteria, for records with the name un-matched but with social security numbers matched, may aid VSU and OIG to reduce the number of unmatched records.

VSU will need to coordinate with SSA to gain authority to house social security numbers of individuals once they are assigned post-birth. These numbers should not be accessible by external parties, like local registrars, but should remain in a separate, secure data warehouse to be accessed by VSU for the sole purpose of performing the birth/death matching process.

As part of the Communications Plan (see Recommendation 17) individuals who request a court ordered name change should be encouraged to report the information to VSU. If citizens understand the long-term impact of ensuring that their birth records are appropriately flagged upon their death, they may be more apt to improve communication with VSU regarding name changes.

**Benefits**

Benefits of improving the criteria for the birth/death matching process include:

- Reducing the percentage of unmatched records in the system, which reduces the agency’s exposure to fraud through identity theft
- Safeguarding the surviving members of the families, as any fraudulent activity derived at the expense of the deceased may become the responsibility of the families
- Improving resource utilization for both VSU and OIG, enabling more birth/death matches
RECOMMENDATION 28: Ensure that both paper and electronic birth records, maintained centrally at VSU and locally at registrars’ offices are appropriately notated as “deceased.”

ISSUE
Local registrars may not be systematically receiving all notifications of deaths of individuals who were born in their jurisdictions. As a result, paper records of selected individuals may not be stamped as “deceased,” even if the individual has died.

CURRENT ENVIRONMENT
Birth records are maintained centrally at VSU in both paper and electronic form. Local registrars also maintain paper records of the registrants born in the local registrars’ jurisdiction. Upon the death of an individual from that jurisdiction, local registrars are required to be notified, and are required to mark the paper records conspicuously as “deceased” [HSC Section 191.034 (b)].

Currently, the birth/death matching process is completed for individuals born in Texas who died at age 55 or younger. Birth and death record matches are performed using automatic and manual methods. Recommendation 26 outlines the scenarios for the birth/death matching process. While the automated matching process flags the birth record in the TER system as “deceased,” automated notifications of matches are not sent to the local registration districts where the registrant was born to hand stamp the records locally as “deceased.”

RATIONALE FOR CHANGE
Not properly noting any birth record as “deceased” once the registrant has died creates opportunities for fraud. Individuals may attempt to assume the identity of a deceased person by requesting their birth certificate. If the record is not conspicuously marked, the deceased individual’s identity can be used to perpetrate fraud. Additionally, not marking records on the local level creates inconsistencies in records keeping, with the data at VSU conflicting with the information maintained locally.

IMPLEMENTATION CONSIDERATIONS
OIG, VSU and the local registrars must work in concert to ensure that all records are marked appropriately. Both the method and frequency with which communication is made between VSU and the local registrars may be contributing to the issue.
Regardless of the challenges in receiving the information, all parties must work together to ensure that records are marked appropriately as expeditiously as possible.

**Benefits**

Benefits of properly notating records as “deceased” include:

- Standardizing the process of matching death records with birth records
- Reducing the ability to commit fraud by assuming the identity of a deceased person if records are appropriately marked in all locations where they are maintained
- Creating consistent records keeping at all levels in the Texas VSU organization
RECOMMENDATION 29: Assess implications of adopting national standards for electronic exchange of data across jurisdictions and programs using the State and Territorial Exchange of Vital Events (STEVE) against current capabilities and program funding model.

ISSUE
The timely exchange of vital statistics data between Texas and other states is not automated, which creates delays in receiving critical information to protect citizens’ data.

CURRENT ENVIRONMENT
Currently, data exchange between VSU and federal agencies, such as the National Center for Health Statistics (NCHS), the SSA’s Enumeration at Birth project, and other states’ vital records offices is managed through interfaces developed specifically for those purposes or as a manual process.

While NAPHSIS developed standard record layouts for electronic exchange, most jurisdictions are unable to exchange records electronically due to lack of resources and an inefficient exchange platform. Instead, these entities may exchange copies, computer abstracts or line listings with each other.30

In 2008, NAPSHIS, working with NCHS, SSA, and CDC identified requirements and developed the State and Territorial Exchange of Vital Events (STEVE) system to facilitate and automate these exchanges. This secure, standards-based, messaging system is currently being implemented nationwide. STEVE enables jurisdictions to securely transmit:
- Birth, death, and other events with other jurisdictions
- Birth records to SSA for enumeration at birth

30 NAPHSIS, “State and Territorial Exchange of Vital Events (STEVE) System Integration Overview,” p 1, October 20, 2008,
• Birth, death and fetal death records to NCHS under the Vital Statistics Cooperative Program
• Death records to the NCHS for the National Death Index
• Specific data to designated data sharing partners, such as newborn hearing or child support enforcement
• Data for approved research
• Single files on request

As of April 2012, participating STEVE jurisdictions included a total of 25 states, districts, and territories.

RATIONALE FOR CHANGE
Inter-jurisdictional exchange of information is critical to the vital statistics program. Since a person often dies in a different jurisdiction from where the individual was born, a national system that enables rapid data sharing and matching is needed.

The current process of transferring records has created duplicative, time intensive efforts that are inefficient and costly to jurisdictions. STEVE provides an automated way to apply and enforce the rules of 57 jurisdictions and allows jurisdictions the flexibility to configure the software based on their needs.

By implementing STEVE, Texas can take full advantage of a secure messaging system for critical birth/death matching processes to detect fraud, as well as vital events exchange with other approved trading partners, authorized public health agencies and programs, including immunization, newborn screening, and birth defects.

IMPLEMENTATION CONSIDERATIONS
As a requirement of the Vital Statistics Cooperative Program (VSCP), between NCHS and states, participation in the STEVE system will be required for Texas, effective January 1, 2014. VSU will work with NCHS and NAPHSIS to identify technical requirements needed to implement STEVE.
**Benefits**

Benefits of assessing the implications of adopting STEVE include:

- Determining how a fee structure could be put in place for adoption
- Determining how implementation could improve the birth/death matching process
- Increasing the number of out-of-state death notifications, should STEVE be implemented, thereby decreasing the chance of a birth certificate being used fraudulently
RECOMMENDATION 30: Coordinate with the relevant federal departments to ensure the receipt of death notifications of soldiers born in Texas.

ISSUE
Texans who die in the military are, on average, at an age targeted for identity theft. Consistent processes do not exist to properly process death information for this critical constituency.

CURRENT ENVIRONMENT
Fort Hood, located in Killeen, Texas, is the largest active duty armored post in the United States. Based on 2010 census data, there are nearly 1.7 million veterans in the State of Texas, which is the second largest veteran population in the country.

Notifications of deaths of Texans who died outside of the country are coordinated through the U.S. Department of State. Deaths of the military are handled with special care by both the Department of State and the Department of Defense.

RATIONALE FOR CHANGE
Young citizens are targets for identity theft once they have died largely due to their potential credit line. Assuming the identity of a younger individual invokes less suspicion if this individual’s identity is used to apply for certain programs and privileges, such as enrollment in Medicaid, or applying for credit cards or home loans.

Given the young age of many of those serving in the military, this constituency is a prime target for identity theft. Therefore, it is critical to ensure that the birth records of any individual who was born in Texas and has served and died as a member of the armed forces are appropriately marked.

IMPLEMENTATION CONSIDERATIONS
The United States military follows strict procedures related to the handling of the death of soldiers. While VSU would like information about the deaths of these individuals as quickly as possible, this priority will likely be superseded by the military’s procedures.

Certain circumstances, such as notification of the family and/or transportation of the body may first be required before VSU receives any information. Additionally, the death of some soldiers may be classified, so notification of their death to VSU may have special considerations altogether.

To ensure that the process of the state’s notification of death is streamlined, VSU may wish to coordinate with other federal agencies and other states’ registrars to determine how best state practices can be synchronized with military procedures.

BENEFITS
Benefits of coordinating with federal agencies to ensure the receipt of soldier’s death notifications include:
• Protecting the personal information of soldiers who are killed in the line of duty
• Ensuring that a soldier is not subject to identity theft, as their deaths are often published in newspapers and online, making their identities vulnerable to fraudulent activity
• Improving coordination between agencies
APPENDIX A

SCOPE OF ASSESSMENT

This section describes the methodology employed in assessing the effectiveness and security of the state’s policies, processes, and technologies that support vital statistics functions.

In evaluating the security of birth records, VSU conducted an extensive review of current practices within the state and across other states’ vital registry jurisdictions; review of other state and federal programs that use identity documents, including birth certificates; and a review of the impact of current and proposed federal law, regulations, national standards, and guidelines on the state’s vital statistics program.

VSU engaged a consultant to assist in project areas related to assessment, analysis, policy tracking, and solution development related to security and effectiveness of the state’s birth record information system.

The State Registrar convened a workgroup comprising department staff and representatives of:

- Office of the Governor
- Department of Homeland Security/Customs and Border Patrol
- Management Solutions Industry
- Department of Public Safety, Driver License Division
- Local Registrar’s offices
- Public Health Departments
- County Clerk’s offices
- National Association for Public Health Statistics and Information Systems
- Department of State/Passport Fraud Office
- Office of Inspector General, Health and Human Services Commission
- Centers for Disease Control and Prevention(CDC)/National Center for Health Statistics
- Office of General Counsel, Texas Department of State Health Services

The project was organized across four phases of work:

**Current State Baseline** – this phase encompassed a review of all policies, procedures, statutes and rules related to the vital registry program and validation of the documented current state by the workgroup.

Activities included:

- Reviewed statutes, rules, policies, and procedures related to vital registry program.
- Set up workgroup with bi-weekly meeting and cross-stakeholder membership.
- Identified entities and their roles and responsibilities in the birth certificate issuance process.
o Interviewed VSU program staff.
  o Researched and analyzed program materials and data.
  o Reviewed information system access, capabilities, and policies.
  o Conducted an online survey of local registrars and other stakeholders regarding birth certificate security.
  o Provided project update and elicited input from local registrars and other attendees at the 2012 Vital Statistics Regional Conferences in June.

**Best Practices Review** – this phase consisted of a review of information system and document-based security standards to determine current best practices. The VSU project team surveyed and conducted interviews of other states to gain insight into their practices. The workgroup reviewed and discussed the documented practices shared by other states.

Activities included:
• Contacted registrars in ten jurisdictions to learn about their respective best practices related to vital statistics security.
• Sent questionnaires and conducted phone interviews covering topics including processes to register births, purchase records, secure records, conduct employee background checks, access vital registry systems by non-state employees, and perform birth/death matching.
• Conducted interviews of
  o Office of Inspector General, Health and Human Services Commission
  o Department of State/Passport Fraud Office
  o Dallas Passport Agency
  o American Banknote, security paper vendor
• Reviewed and documented applicable document based security standards and information system standards related to birth records to determine current best practices.
• Documented and reported best practices information to workgroup to generate ideas for the Texas vital registry program.

**Opportunity Assessment** – this phase encompassed an examination of opportunities to improve effectiveness and security of information systems through the creation, use, and retirement of a birth record.

Activities included:
• Conducted three workgroup meetings, each focused on risks and opportunities present in the policies, processes, and technologies affecting vital registry functions. The three meetings were organized around the creation, use, and retirement of a birth record, respectively.
• Documented the outcomes of the workgroup meetings.
• Researched opportunities to partner with government entities and/or private sector, as needed, to implement

**Report Development and Communication** – this phase involved the documentation of findings and recommendations and the development of a communication plan to
report to internal and external stakeholders upon report completion and submission.
This section provides a description of the federal and state laws and regulations that govern the management and use of vital records.

**Federal laws** that govern vital records include:

- **Model State Vital Statistics Act and Regulations (Model Law)** was developed to serve as a model for states in preparing their own laws and regulations. The Model Law, last amended in 1992, was designed to improve the quality and uniformity of state data by establishing standard reporting requirements, definitions, and procedures for registering vital events. The Model Law influences how vital statistics data is collected at the state level, which in turn impacts national vital statistics.\(^{33}\)

  The Model Law defines a “system of vital statistics” as:
  - the registration, collection, preservation, amendment, and certification of vital records;
  - the collection of other reports required by law; and
  - activities related to the tabulation, analysis, publication, and dissemination of vital statistics.

  A revision to the Model Law is currently underway.

- **Intelligence Reform and Terrorism Prevention Act of 2004** (Public Law 108-458, Section 7211), which requires minimum standards for the use of birth certificates by federal agencies for official purposes.\(^{34}\)

  Prior to the enactment of this law, national standards for the issuance of birth certificates did not exist and issuance was determined on a state-by-state basis.

  The Act requires that the certificate incorporate document security features to protect birth documents against alteration and counterfeiting. The Act does not require a single design to which states must conform and it is up to the state to determine how non-official copies of birth certificates are issued.\(^{35}\)

  Additionally, the Act establishes grants to assist states in:

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• computerizing their birth and death records;
• developing the capability to match birth and death records within each state and among the states; and
• noting the fact of death on the birth certificates of deceased persons.

- **REAL ID Act** and its corresponding regulations (6 CFR Part 37) require that applicants for driver licenses present their birth certificate to the motor vehicle agency to validate their U.S. citizenship and their date of birth, and birth certificates must be verified by the state.

Sec. 37.13 of the identification standards regulations recommends that states’ departments of motor vehicles (DMV) use the Electronic Verification of Vital Events (EVVE) system, operated by NAPHSIS, to verify birth certificates presented by applicants.\(^{36}\)

**Texas State law**, Health and Safety Code, Title 3, Chapters 191-195, in conjunction with other provisions of state law, establishes requirements for vital records in the state.

Among other provisions, these governing laws specify that:
- All births in Texas must be registered [HSC Section 192.001]
- A birth certificate must be filed within five (5) days of the date of birth for every live birth [HSC Section 192.003 (d)]
- Birth certificate data is kept confidential for the first 75 years of a person’s life [TGC Section 552.115 (a) (1)]
- A local registrar secures a complete record of each birth, death, and fetal death that occurs in the local registrar's jurisdiction [HSC Section 191.026 (a)]
- It is a third degree felony to falsely obtain, use, or alter another person’s birth certificate [HSC Section 195.003 (f)]

In 2007, the Texas Legislature amended the Health and Safety Code to require electronic filing of death certificate information to create greater efficiency in the reporting process and increase the accuracy of death records [HSC Section 193.002].\(^{37}\)

Texas Administrative Code (TAC), Title 25, Part 1, Chapter 181, implements provisions of state law. Among other provisions, Chapter 181:

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• Provides that infants born in a non-institutional setting by a licensed professional only require the license of the individual who performed the birth to enable the creation of the birth certificate [25 TAC Section 181.26 (b)].

• Defines a properly qualified applicant to receive a certified copy of a birth certificate as [25 TAC Section 181.1 (22)]:
  o The registrant
  o An immediate family member of registrant either by blood, marriage, or adoption; the registrant’s guardian; or the registrant’s legal agent or representative
  o Local, state, and federal law enforcement or governmental agencies and other persons who are designated as properly qualified applicants by demonstrating a direct and tangible interest in the record because the information in the record is necessary to implement a statutory provision or to protect a personal legal property right
  o A person who has submitted an application for a request to release personal information and has been approved as outlined in rule

• Each applicant must present a current form of government-issued photo identification along with his or her application. If the applicant is unable to present a current form of photo identification, two valid supporting forms of identification may be presented, one of which bears the applicant's signature [25 TAC Section 181.1 (13)].

• Requires additional proof before a non-institutional birth can be registered [25 TAC Section 181.26].

• Describes the fees charged for vital records [25 TAC Section 181.22 (a-s)].
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