§ 8:2A-2.2. Certifications

(a) The State Registrar or local registrar may issue certifications containing information obtained from the death record to requestors not identified in N.J.A.C. 8:2A-2.1(a)3, so long as those requestors are first able to identify the record sought.

(b) All certifications issued under (a) above shall state that they are for informational purposes only and are not to be used for identification or legal purposes.

(c) The certification of the death record shall include, at a minimum, the name of the decedent, place of death (county, municipality), date of death, sex, date of birth, date of issuance and manner of death providing this information is available.

(d) The certification of the death record may include other information; however, the last sickness and death particulars (cause of death and medical particulars) will only be included on the certification of the death record if the applicant produces documentation verifying that he or she is:

1. The parent of the subject of the death record;
2. The subject's legal guardian or legal representative;
3. The subject's spouse or domestic partner;
4. The subject's child, grandchild or sibling, if of legal age;
5. A State or Federal agency requesting the record for official purposes;
6. A person requesting the record pursuant to a court order; or
7. A person requesting the record under emergent circumstances, as determined on a case-by-case basis by the Commissioner.

(e) Any of the relatives to the decedent listed in (d)1 through 4 above, with the exception of the funeral director as legal representative, may consent to the release to a third party of a certification of the death record containing cause of death and medical particulars. Such
consent must be provided in the form of an Authorization for Release of Cause of Death similar to that set forth in the chapter Appendix, incorporated herein by reference.

(f) Any certification of a death record, with or without last sickness and death particulars, may be released without consent under the following conditions:

1. To qualified personnel for the purpose of conducting scientific research only under the following conditions:
   i. An Institutional Review Board, constituted pursuant to Federal regulation 45 C.F.R. 46.101 et seq., shall review and approve the research protocol prior to release of the death record;
   ii. Research personnel shall not identify the subject of the record, directly or indirectly, in any report of the research; and
   iii. Research personnel shall not disclose the identity of the subject of the record in any manner;

2. To qualified personnel for the purpose of conducting management audits, financial audits or program evaluation only under the following conditions:
   i. Personnel shall not identify the subject of the record, directly or indirectly, in any report of an audit or evaluation;
   ii. Personnel shall not disclose the identity of the subject of the record in any manner; and
   iii. Identifying information shall not be released to the personnel unless it is vital to the audit or evaluation;

3. To the Department as required by State or Federal law; or

4. As permitted by the rules adopted by the Commissioner for the purposes of disease prevention and control.

(g) The State Registrar or other custodian of vital records shall not permit physical inspection or access to the full death record, nor shall he or she disclose information, copy or issue the full death record, unless he or she is satisfied that the applicant is authorized to obtain a full copy of such record under N.J.A.C. 8:2A-2.1 or 2.2.

Chapter Notes