

4601.2100 DEATH RECORD AMENDMENTS.

Subpart 1. **Requesting amendment.** Any person may request a death record amendment. To amend fact of death or demographic information on a death record, a person requesting the amendment must choose one of the options described in subparts 2 to 6. To amend cause of death information on a death record, a person requesting the amendment must comply with subpart 9.

Subp. 2. Amending within 45 days and before issuance.

A. The informant who provided the original information or the person who filed documentation of death according to part 4601.1500 or 4601.2000 may request an amendment of a death record under this subpart. An amendment requested under this subpart must:

(1) be made to a registrar within 45 days of the date filed and before the date of issuance of the first certified death record; and

(2) be limited to correction of information originally recorded in error or the provision of missing information.

B. If the registrar determines that the requested amendment meets the requirements of this subpart, the registrar must amend the record. Amendments to the death record made under this subpart must not be noted on a certified death record.

Subp. 3. **Amending through funeral establishment.** To amend fact of death or demographic information through a funeral establishment:

A. A person may contact the funeral establishment that originally filed the documentation of death to request an amendment if the amendment is requested within one year of the death.

B. If the person in charge of the funeral establishment or that person's authorized designee agrees to process the amendment, the person in charge of the funeral establishment or that person's authorized designee must ask the informant who provided the original information for approval of the requested amendment. If the informant approves the amendment in writing, the person in charge of the funeral establishment or that person's authorized designee must request that a registrar amend the record. Upon receipt of a written request on a form prescribed by the state registrar, a registrar must amend the record.

C. If the person in charge of the funeral establishment or that person's authorized designee refuses to process the amendment, the person in charge of the funeral establishment or that person's authorized designee must refer the person requesting the amendment to a registrar according to subparts 5 and 6.

Subp. 4. **Amending through informant.** If an amendment is requested within one year of a death and the requesting person knows the informant who provided the original information, the person requesting an amendment may contact the informant directly with a request for an amendment. If the informant agrees with the requested amendment, the informant must present to a registrar a notarized statement that states the informant is the informant named on the original documentation of death, that the requested amendment is accurate, and that the informant agrees to the requested amendment. Upon receipt of the notarized statement, a registrar must amend the record.

Subp. 5. **Amending through registrar.**

A. If an amendment is requested within five years of a death, the person requesting the amendment may contact a registrar to make the amendment. The person requesting the amendment must:

(1) request the amendment on a form prescribed by the state registrar; and

(2) when a change in the deceased's name, date of death, place of death, date of birth, parentage, spouse's name, maiden name, marital status, social security number, or sex is requested, present legal documentation that is acceptable under item B.

B. To be acceptable legal documentation, the document must support the requested amendment, meet the requirements of part 4601.1100, subpart 1, items A to D, and be one of the following:

(1) a birth record;

(2) a marriage certificate;

(3) a divorce decree;

(4) a legal description of the place of death that has been properly recorded with the county recorder;

(5) a social security number history (Numident) printout from the Social Security Administration;

(6) for date or place of death, a notarized statement from a person who was present at the death that verifies the accuracy of the requested change; or

(7) a court order that instructs a registrar to make the requested change.

C. If the registrar determines that the legal documentation is sufficient to support the requested amendment, the registrar must amend the death record.

D. A local registrar must forward the request for amendment and any supporting documentation to the state registrar to be evaluated according to the criteria in subpart 7 if a request includes one of the following:

- (1) an amendment to fact of death or demographic information other than the information listed in item A, subitem (2);
- (2) an amendment to information that has been previously amended; or
- (3) an amendment requested without sufficient legal documentation.

Subp. 6. **Amending through state registrar.** A person requesting an amendment must contact the state registrar with a written request for an amendment when:

- A. the person is requesting an amendment more than five years after the date of death;
- B. the person is requesting an amendment to fact of death or demographic information other than the information listed in subpart 5, item A, subitem (2);
- C. the person is requesting an amendment to information that has been previously amended; or
- D. the person cannot provide acceptable legal documentation according to subpart 5, item B.

Subp. 7. **Evaluation by state registrar.**

A. When requesting an amendment through the state registrar according to subpart 6, a person must request the amendment on a form prescribed by the state registrar and provide documentation to support the accuracy of the requested amendment.

- B. The state registrar must consider:
- (1) the extent and type of documentation presented;
 - (2) the ability of the state registrar to authenticate the documentation presented;
 - (3) whether changing the record as requested is prohibited by law;
 - (4) the impact that the requested amendment would have on the use of the certified death record as a legal document; and
 - (5) the impact that the requested amendment would have on the use of the death record as a statistical or historical record.

C. If the state registrar determines that the supporting documentation is sufficient to justify the requested amendment, the state registrar must amend the death record. If the state registrar determines that the supporting documentation is not sufficient to justify the

requested amendment, the state registrar must notify the requester of the option to seek a court order to require the state registrar to amend the record.

Subp. 8. **Corrections and amendments by state registrar.** If the state registrar finds that the fact of death or demographic information in a death record is not accurate, the state registrar must contact the mortician, funeral director, or other person who filed the original documentation of death to request correction of the information. If the mortician, funeral director, or other person who filed the documentation of death cannot be located or cannot provide the requested correction, the state registrar must consider the record in error and must not issue a certified death record until corrections are made.

Subp. 9. **Amending cause of death information.** Requests to amend cause of death information must be made to the state registrar on a form prescribed by the state registrar and must include a notarized statement of approval from the physician who originally provided the cause of death information or a notarized statement of approval from a coroner or medical examiner of the county where the death occurred. Upon receipt of a request and a notarized statement, the state registrar must amend the cause of death information. If a request to amend cause of death information is received directly from a physician who originally provided the cause of death information or from a coroner or medical examiner of the county where the death occurred, the state registrar must waive the requirement for the notarized statement.

Statutory Authority: *MS s 144.12; 144.213; 144.221*

History: *25 SR 487; L 2001 1Sp9 art 15 s 32*

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