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September 8, 1999

Antonia C. Novello, M.D., M.P.H.
Commissioner
Department of Health
Corning Tower
Empire State Plaza
Albany, NY 12237

Re: 99-F-10

Dear Dr. Novello:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law, we have reviewed the actions taken by officials of the Department of Health (Department) as of August 3, 1999, to implement the recommendations contained in our report, *Administration of Vital Records* (Report 96-S-40). Our report, which was issued on August 14, 1997, evaluated the Department's controls over vital records, assessed the Department's performance of services, and determined whether opportunities to enhance revenues existed.

Background

The Vital Records Registration System began in 1880 when the State Legislature created the State Board of Health. The Vital Records System was established that same year out of a need to provide a legal record of births and deaths and to collect medical and demographic information in support of public health programs.

According to Article 41 of the New York State Public Health Law (Law), the Department is responsible for the registration of all vital events (births, deaths, and dissolution of marriages) that occur in the State, outside New York City. According to Section 20 of the State Domestic Relations Law, the Department is also responsible for the registration of all marriages outside of New York City. The New York City Department of Health is responsible for the records relating to vital events in New York City. In New York State, authorized agents (physicians, hospital staff, funeral directors, etc.) prepare and file death and birth documents with one of the more than 1,500 local registrars. Local registrars forward certificate data to the Department where it is indexed, recorded and stored. Although local registrars are generally employees of local

government, the Department has statutory authority to ensure they comply with the Law. On average, the Department processes 140,000 birth and 96,000 death records each year. For example, in 1998 the Department processed 135,286 birth and 94,503 death records.

The Department's Bureau of Production Systems Management (PSM) processes data from birth, death, marriage and dissolution certificates recorded in the State. Within the PSM, the Bureau of Vital Records is responsible for collecting, preserving and indexing the documents required by the Law and for those provisions of the Domestic Relations Law relating to the registration of marriages.

In addition, the Department provides certified copies of vital records. Copies may be obtained in person, by mail, or via telephone. A certified copy of a birth, death or dissolution of marriage record costs \$15, while marriage certifications are \$5. During calendar year 1998, the Department processed 78,900 requests generating more than \$934,000 in revenue. Local registrars also issue certified copies of vital records for a \$10 fee. The Department estimates that registrars issue 210,000 birth certificates and 576,000 death certificates each year.

Summary Conclusions

In our prior audit, we identified several deficiencies in the Department's operating practices. We found that the Department needed to improve security over the Vital Records System. In addition, the Department needed to reduce the time it takes to process vital record requests, as well as initially register vital events. We also identified opportunities for the Department to increase revenues.

In our follow-up review, we found that Department officials have taken some steps to implement the recommendations contained in our prior audit report. Department officials have taken steps to develop a local registrars procedures manual, to inform local registrars of changes in vital records administration, to change and update system controls and procedures as deemed necessary, and to provide training and guidelines on fraud awareness. However, Department officials have not implemented recommendations pertaining to the Department's use and reconciliation of standardized forms, the development of procedures for handling records that were amended, the improvement of system controls, the development of a system to monitor systematic data entry problems, and revenue enhancement opportunities.

Summary of Status of Prior Audit Recommendations

Of the nineteen prior audit recommendations, Department officials have implemented six recommendations, partially implemented five recommendations and did not implement eight recommendations.

Follow-up Observations

Recommendation 1

Provide information on deaths to registrars and require the flagging of the related birth certificates.

Status - Partially Implemented

Agency Action - Department officials have taken steps to update the birth index system, which will allow for flagging of decedents' birth records. The relational data base birth index system is near completion. This process required the entry of additional years of data, conversion and augmentation of data in the old system, comparison of old records with their new record counterparts, and resolution of data discrepancies. The Department completed the addition of the most recent decade of death indexes to the relational data base in February 1999. Further, in March 1999, Department officials met with programmers to establish the requirements and methodologies for the matched birth-death project. These specifications have been finalized. Department officials anticipate that the monthly process to flag the birth certificates of decedents born in New York will begin on November 1, 1999. This process will also include a local registrar notification component.

Recommendation 2

Establish uniform identification requirements for Department internal use, as well as for registrars in dealing with requests for the various types of certified copies.

Status - Implemented

Agency Action - The draft version of the Local Registrar Procedures Manual establishes the procedures that must be followed when processing requests for certified copies, as well as the acceptable forms of positive identification that the applicant must present. At the time of our review, Department officials were in the process of finalizing the manual; they anticipated that it would be issued during August 1999. In addition, the application for birth certificates, which has been used by local registrars since 1994, includes a list of acceptable identification.

Recommendation 3

Ensure that all registrars issue certificates utilizing the Department's standardized forms and that appropriate procedures are followed for their use.

Status - Not Implemented

Agency Action - The Department provides standardized forms for certified copies of birth, death and marriage records at the local level, which have safety features that prevent them from being altered or copied, thus ensuring the integrity of the record. Department officials stated that their field representative reviews the use of standardized forms by local registrars when visiting local district offices, and local registrars not using safety paper are advised to do so. However, Department officials were not able to provide us with any site visit reports which contained evidence supporting that a review of the use of safety paper was conducted.

Recommendation 4

Reconcile press-numbered forms timely. In addition, require registrars to periodically perform an accounting of the use of these forms and submit their reconciliation to the Department.

Status - Not Implemented

Agency Action - Department officials have not changed the manner in which press-numbered forms are reconciled. Staff have and continue to enter information about the disposition of each piece of press-numbered paper stock into the automated certification system. The press-number of each form that is spoiled is independently key entered into a separate system for automatic reconciliation. However, reconciliation reports are not routinely requested. Department officials maintain that fiscal and logistical concerns prevent reconciliation at the local level. Department officials stated that one of their goals is to issue press-numbered forms centrally, which would enable the Department to perform reconciliation of forms on a more routine basis.

Recommendation 5

Ensure that all registrars are informed of the proper procedures for handling original records that have been amended. Consider establishing a policy of maintaining the original sealed records at the State level and instructing local registrars to destroy their copies.

Status - Partially Implemented

Agency Action - Each time an amended record is issued, the Department sends a letter to the local registrar with instructions that the original record be sealed, held confidential and not be released unless ordered by a court of competent jurisdiction. In addition, Department officials provided an article that was printed in the Town Recorder, a quarterly newsletter published by the New York State Town Clerks Association. This article was written to alert readers to the potential for fraudulent requests for records that have been amended.

However, Department officials have not instructed local registrars to destroy their copies of sealed records. Department officials maintain that the procedures they have in place for

sealing original records that have been amended are adequate. Department officials further contend that a policy instructing local registrars to destroy sealed birth records would require a legislative amendment, which the Department has not pursued. For the following reasons, Department officials stated that such action is unnecessary and counterproductive. First, Department officials stated that they are not aware of any case in which the local registrar breached the security of a sealed record. Second, the local record serves as a backup to the Department's copy, and there have been instances where the original sealed record is reinstated.

Recommendation 6

Design a manual that local registrars can use as a reference in accomplishing their day-to-day vital record functions.

Status - Implemented

Agency Action - As previously stated, Department officials have developed a draft version of a Local Registrars Procedures Manual, which was anticipated to be issued during August 1999. This manual was written to provide local registrars with a definitive source of vital records laws, regulations and procedures.

Recommendation 7

Offer training, seminars and/or newsletters to keep local registrars current on changes in vital record administration. Consider regional training sessions throughout the State.

Status - Implemented

Agency Action - Officials provided evidence which identified the various training seminars conducted by Department. The Department provides speakers and trainers at county, regional and statewide meetings. Department officials routinely participate in the annual meeting and training schools sponsored by the Association of Towns, the New York State Town Clerks Association, and the Association of City and Municipal Officials. In addition, the Director of the Bureau of Vital Records regularly writes and submits articles for print in two quarterly newsletters, the Town Recorder published by the New York State Town Clerks Association and the Bulletin published by the Association of Municipal Clerks.

Recommendation 8

Periodically review the practices of the registrars.

Status - Partially Implemented

Agency Action - In October 1998, Department officials reassigned one staff person to serve as the full-time field representative. The duties and responsibilities for this position include making presentations at the meetings and training schools sponsored by State and county vital records organizations; scheduling county level meetings and training seminars; visiting local registrars to audit vital records practices and procedures; and soliciting referrals from vital records unit staff to identify local registrars in need of training. Department officials utilize annual vital statistics reports to identify high volume registrars, which is where the Department focuses its monitoring efforts. However, given that there are over 1,500 local registrars in the State, the deployment of only one field representative is not sufficient to ensure that all local registrar's vital records activities are reviewed in a timely fashion.

Recommendation 9

Review system default settings for adequacy and appropriateness, and periodically review actual requests to verify the authority of the requestor (i.e., self, parent, etc.).

Status - Not Implemented

Agency Action - Department officials stated that they had taken steps to reprogram the automated system to eliminate the weaknesses that existed in the system that could allow certificates to be issued inappropriately. Officials stated that each request is reviewed before the copy is released to ensure that the requester is eligible to receive the copy. However, our limited testing disclosed that system defaults designed to minimize the possibility of honoring fraudulent requests for vital records did not work. These problems are similar to those identified in the prior audit.

Recommendation 10

Separate tasks within the corrections and amendment functions.

Status - Not Implemented

Agency Action - Department officials did not take steps to separate tasks because they felt this would be an inefficient use of time. Department officials contend that since the identity of the preparer of each case is captured by the system, it has been determined that there is little, if any, risk of the preparer fraudulently creating or changing cases. Additionally, Department officials stated that supervisors periodically review cases. Officials stated that if more staff were assigned to this function, consideration would be given to independent entry and review.

Recommendation 11

Continuously review the system of controls and procedures over securing vital records and make changes and updates as appropriate.

Status - Implemented

Agency Action - Department officials provided evidence which shows that they have taken steps to monitor and update system controls over vital records. Supervisory staff from the Bureau of Vital Records and Department programming personnel meet twice a month. Department officials stated they use these meetings to discuss and review system controls and procedures. Changes to the system are made as deemed necessary and we reviewed documentation which supports that system changes were made as a result of supervisory review activities.

Recommendation 12

Provide training and written guidelines on fraud awareness and identification to those individuals responsible for reviewing requests for copies.

Status - Implemented

Agency Action - Department officials developed an employee fraud awareness training course. Department officials stated that all employees have been trained and that the course is designed to inform staff of the need for the prevention of unauthorized access to vital records. The Department also plans to offer a refresher course annually in March. In addition, the Department developed an employee manual which also contains information on fraud awareness. New employees will receive the fraud awareness training and a copy of the manual on their starting dates.

Recommendation 13

Develop a tracking system to capture data on the processing of requests which includes such information as average processing time, as well as average time for key segments of the process.

Status - Implemented

Agency Action - The Department uses its Certification Automation System to capture data on the processing of requests. The system includes date-stamping of each component of the request process (initial entering of data, searching or locating the correct certificate number, generating a copy from the appropriate storage media, and reviewing the request prior to mailing the copy). Reports on certification and amendment processing are automatically sent directly to the director of vital records and other staff for daily review.

In addition, as discussed in the Agency Action section for recommendation 14, weekly processing reports are available for management review.

Recommendation 14

Analyze the data provided by the time-tracking system for possible weaknesses and strengths in the system and take corrective action where appropriate.

Status - Partially Implemented

Agency Action - Weekly reports on vital records processing are prepared and are available for management review. Department officials stated that on a semimonthly basis, vital records supervisors and programmers meet to discuss the status of each component of the request processing. The automatic daily reports and manual reports prepared by each supervisor are used to evaluate backlogs, turnaround times and processing bottlenecks in each specific area. Procedural changes and staff reassessments are made as deemed necessary. However, there still are significant backlogs of pending requests for vital records information, which we discuss in more detail in the Agency Action section for recommendation 15.

Recommendation 15

Provide requested verifications by government agencies more timely.

Status - Not Implemented

Agency Action - Despite actions taken by management, including the preparation of weekly status reports, there still is a significant backlog of requests for vital record information. Department officials stated that procedural changes and staff reassessments are made as deemed necessary to alleviate the backlogs. However, this action has not been sufficient. We noted 18 separate boxes of incoming requests that had not been processed nor logged into the system. Some of these requests were over a year old. We found similar circumstances during the prior audit. Further, our limited testing disclosed that it took, on average, nearly 64 days to process a request for vital records once the request was logged into the system.

Recommendation 16

Ensure that preparers and local registrars submit birth registration data within the time requirements as stated in the Law. If delays occur, determine the reasons for delays and take corrective actions promptly.

Status - Partially Implemented

Agency Action - Reports and notices are periodically sent to hospitals by the Department's Data Quality Unit, reminding them of the importance of timely filing. This was last done in December 1997 and is not scheduled to be repeated until the 1998 birth file is finalized, which Department officials estimate will occur by September 1999. Local registrars identified as consistent late filers are identified for follow-up by the field representative. In addition, local registrars and hospitals identified as delinquent in filing required information receive notification instructing them to correct this deficiency.

Department officials also stated that the issue of timely submission of birth information will be addressed in the Department's Electronic Death Registration and Statewide Perinatal Data systems, which Department officials stated will be implemented by the end of 1999. These new systems will include a report for local registrars to track the status of certificates in progress within their districts.

Recommendation 17

Develop a system to identify and track the types and rates of errors detected.

Status - Not Implemented

Agency Action - The Department has computer edits in place to review and analyze vital records certificates that are entered into the State system. The program automatically generates a query letter when incomplete, ambiguous or inconsistent information is found. However, as disclosed in the prior audit report, following up with the inputting registrar or hospital adds to the processing time. We found that the Department has not developed a system that would identify systematic data problems and registrars or hospitals that have high error rates. This information could be used by Department officials to develop preventive techniques, such as data-entry format changes and registrar training.

Recommendation 18

Based on the tracking of errors, take preventive actions such as developing training, changing of reporting format, and updating procedures.

Status - Not Implemented

Agency Action - As stated in the Agency Action for recommendation 17, the Department has not developed a system to identify systematic data problems. Department officials stated they are working toward shifting the identification and tracking of errors from a manual paper-based approach to a computerized collection system. The new system will include a quality improvement component. However, officials stated that their work in this area is not yet complete. In the interim, Department officials stated they meet semimonthly with a coalition of Department staff as part of their efforts to identify systematic data problems.

Recommendation 19

Pursue possible legislative changes to address charging for express service and the differences in fees under the various sections of the laws governing fees for certifications.

Status - Not Implemented

Agency Action - Department officials did not take actions to address this issue. Officials concluded that a legislative proposal to increase fees is not feasible at this time.

Major contributors to this report were Lee Eggleston, Ed Durocher and Ken Cox.

We would appreciate your response to this report within 30 days, indicating any additional action planned or taken to resolve any unresolved matters discussed in this report. We also thank the management and staff of the Department of Health for the courtesies and cooperation extended to our staff during this review.

Very truly yours,

Kevin M. McClune
Audit Director

cc: Charles Conaway