

THE VITAL STATISTICS

# REVIEW

SPRING 2010

**INTRODUCING  
THE TEXAS VITAL RECORDS**

## Imaging Project

Imagine an office brimming with employees working diligently, typewriters clacking and the heady aroma of coffee, musty books, and a long-ago extinguished cigarette clinging to the air. What are they doing you might ask? Why, they're creating vital records, of course.

If this scene is reminiscent of film noir, you need only look back 30 years to BVS, better known as the Bureau of Vital Statistics. A lot of things have changed since then. Typewriters are all but obsolete. BVS is now VSU. Smoking is prohibited indoors. And you would never have a beverage near a vital record. One thing that hasn't changed is VSU's commitment to the meticulous preservation and protection of vital records that chronicle over a century of Texas history.

Fast-forward to the year 2005. An innovative idea is put forth to improve preservation of Texas' most fragile vital records, to increase efficiency,

and to delight customers in the process. Introducing the Texas Vital Records Imaging Project.

As with any business process improvement effort, much effort is spent on the planning phase to ensure results are delivered in accordance with expected output. Setting high-standards for digitized vital records means spending extra time on vendor selection, quality assurance, and planning how to digitize a living group of tens of millions of records.

VSU is well on its way of having 30 million vital records available in digital format before 2011.

Like any major undertaking there were obstacles to overcome: contract negotiations, vendor selection, and re-selection, establishing policies, procedures and a quality assurance process for image acceptance, to name a few.

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WHO IS AUTHORIZED  
TO CONDUCT A

# Marriage CEREMONY?

By Victor Farinelli, Field Representative VSU

*M*any times throughout the week we get the following questions:

“I was ordained online and I want to know  
if I can conduct a marriage ceremony?”

or

“I am ordained in another state,  
what do I have to do to conduct a marriage ceremony?”

First, let us look at the statute. The Texas Family Code §2.202 states “The following persons are authorized to conduct a marriage ceremony: a licensed or ordained Christian minister or priest; a Jewish rabbi; a person who is an officer of a religious organization and who is authorized by the organization to conduct a marriage ceremony; and a justice of the supreme court, judge of the court of criminal appeals, justice of the courts of appeals, judge of the district, county, and probate courts, judge of the county courts at law, judge of the courts of domestic relations, judge of the juvenile courts, retired justice or judge of those courts, justice of the peace, retired justice of the peace, judge of a municipal court, or judge or magistrate of a federal court of this state.”

Texas law does not require the state of Texas or the County Clerk’s office to determine who falls under Family Code §2.202, nor does an official registration process with the state of Texas for persona authorized to conduct a marriage ceremony exist. The only thing that the Texas Vital Statistics and the County Clerks offices can do for persons who ask these questions is reference the specific section of the law. The person wishing to perform the ceremony would be responsible for determining whether they fall into one of the four categories listed. They do not need to register with the Vital Statistics Unit or the County Clerk’s office before performing a ceremony.

The question that usually follows is “what if the person was actually not authorized to conduct a marriage ceremony?” The Texas Family Code §2.302 says “the validity of a marriage is not affected by the lack of authority of the person conducting the marriage ceremony if there was a reasonable appearance of authority by that person; at least one party to the marriage participated in the ceremony in good faith and that party treats the marriage as valid.” Because of the presumption that every marriage is valid (see Texas Family Code §1.101) a lack of authority to marry the couple does not affect the marriage if at least one of the parties acted in good faith.



## MOST POPULAR *Baby Names* FOR TEXANS

The list below represents the 10 most frequent given names for male and female births in Texas in 2008. The source is a 100% sample based on Social Security card application data.

- 1 Emily  
Jose
- 2 Isabella  
Jacob
- 3 Abigail  
Daniel
- 4 Emma  
Christopher
- 5 Madison  
Joshua
- 6 Sophia  
David
- 7 Mia  
Angel
- 8 Natalie  
Ethan
- 9 Ashley  
Juan
- 10 Ava  
Michael

Source: <http://www.ssa.gov/cgi-bin/namesbystate.cgi>

Accessed: March 5, 2010

## VITAL STATISTICS

# Obscure

## FACTS

BY JOE WALLACE

This data is derived from the most recently released statistics (2008)

**Day with most births:**  
Dec 30 (1,655 births)

**Day with fewest births:**  
May 4 (555 births)

**% of infants who are second generation Texans:**  
34.0 %

**% of infants who are 1st generation Texans:**  
8.6 %

**% of infants who are 1st generation Americans:**  
25.6 %

**Day with most deaths:**  
January 26 (581 deaths)

**Day with fewest deaths:**  
August 20 (382 deaths)

**Age of oldest decedent:**  
114

**% of decedents born abroad:**  
9.6 %

**% of decedents born in Texas:**  
57.6 %

**Youngest bride:**  
15 years old

**Youngest groom:**  
16 years old

**Greatest age difference between bride and groom:**  
67 years

## MATCHING

# Birth and Death

## CERTIFICATES

By Derek Johnson, Field Representative, VSU

The Vital Statistics Fraud Unit coordinates the marking of "Deceased" on birth certificates of people who have recently died. This process is known as Birth and Death Matching.

The Fraud Unit prepares a computer-generated abstract which shows the place of birth for those who have recently died and were less than 56 years old. This abstract is sorted by place of birth and sent to the appropriate county clerk or local registrar. The registration official must notate clearly on the face of that individual's birth certificate that the person has died.

Local registrars are encouraged to mark the birth records of all individuals who have died as soon as notifications have been received. The local registrar may become aware of an individual's death from one of the following: a Report of Death form, a Death Certificate filed at their office, an abstract of death from another county or the abstract sent out by the Fraud Unit.

Only full certified photocopies of these birth records marked "Deceased" should be issued to prevent someone from attempting to assume a false identity. Remote access records are flagged as "Deceased" and will not print, but flagging the record may take several months from the date of death. Remote records of the deceased should not be issued whether flagged or not.

Occasionally a death certificate for an infant who was born in Texas but did not have a birth certificate registered is filed. In this case local registrars should see that the appropriate hospital or person file a matching birth certificate. If possible, the parents should not be contacted to file the birth certificate in this case. An administrative filing of a birth certificate by the local registrar may be necessary.

## BIRTH CERTIFICATE FRAUD:

# A Continual Problem

A false identity and new life style begin with a birth certificate. Once obtained, it becomes the breeder document for obtaining additional documents such as a driver's license, social security card or passport.

On any given day in the United States, valid birth certificates are stolen, loaned out or sold, enabling someone to impersonate the owner of the record. With the arrival of modern computer technology, forgery and counterfeiting creates high quality fraudulent documents.

Who are these people that seek false identities? They can be career criminals, traffickers, fugitives, child support evaders or terrorists. Using false identities, these individuals are often involved in fraud associated with insurance, banking, public assistance, organized crime, document suppliers, human trafficking and other illegal activities.

The holder of any such certificate may become eligible for most state and federal programs such as public assistance and public housing. Fraud is committed by the offender who alters a child's birth certificate for early school enrollment. There is also the offender that simply alters their birth certificate to enhance their age to get a driver's license, speed up or delay retirement, or just make themselves younger or older.

Each one of us is a potential victim of document fraud. We must always be cautious and protect our personal vital documents. A credit card, driver's license, social security card or a telephone calling card can help someone create a false identity and cause some serious financial headaches.

Report any fraudulent activity associated with birth or death certificates to the Fraud Division of the Vital Statistics Unit at 1-888-963-7111.

## THE TEXAS VITAL RECORDS IMAGING PROJECT

Once the negotiations were complete, the work was planned and the green light was given, then the real work began.

On December 23, 2008 VSU delivered the first batch of birth records to the vendor for scanning. Nearly 15 months later, there are over 46 birth years available for Request Processing to issue. This represents over 13 million digital images that are secured and no longer requiring the original paper record to be pulled.

While it does boast well for the Department of State Health Services (DSHS) and VSU to have some of the latest and greatest in imaging technology, there are many other benefits to having these vital records digitized.

One of the most important benefits of the Texas Vital Records Imaging Project is the ability to create a safe and secure digital archive for millions of fragile, one-of-a-kind records. In the event of a major disaster resulting in damage to or loss of the VSU records room, rebuilding the complete index of records currently on file would be next to impossible. While the records room is equipped with a fire suppression system, nothing is foolproof. This digital archive not only allows us to protect these records against the natural elements but also wear and tear from constant handling. Most of these records were not created using the acid free, archival quality paper that is used today. Over many years of being handled, these documents have become very fragile and have begun to deteriorate, causing them to be easily damaged. Having the ability to access a digital version of these records will reduce handling

and in turn lengthen the life of these documents.

VSU is responsible for preserving these records and also issuing information from them to a wide range of individuals. Thousands of requests for information are received by VSU every week from people all around the world. Having improved access to this information will allow staff to fulfill these requests much more quickly and efficiently. Having access to these digital images shorten the request processing time. Usage of everything from paper to printer ink will be decreased, thus resulting in cost saving and have a positive impact on the environment.

While cost reduction and gains in efficiency benefit the tax payers, it is the very people we serve every day who order vital records that will experience less delay and greater satisfaction. Not only can we get our customers the information they need more quickly but also with better quality. With these digitized images we now have the ability to take a birth record that is over 80 years old and deteriorating and create a certified copy that is not only legible but almost as pristine as one half its age. Now Granny Smith, born in 1930, can get a legible copy of her birth certificate within a few days to board that cruise line to Acapulco.

At times, the odds of this project succeeding appeared to be insurmountable. And yet, the vital records imaging project leaves behind a legacy of preservation that will carry these vital records into the 21st century and beyond. One day we will look back and wonder how anyone every got along with out it. Because, after all, image is everything.

# New

## TO FIELD SERVICES



**IRIS RODRIGUEZ**

Iris Rodriguez joined our team as of October as our new Field Representative for regions 8 and 11 (South Central and South). Iris is a graduate of the University of Texas at Austin with a Bachelor of Arts in Ethnic Studies with an emphasis in Public Policy. She has worked for the State in the Central Adoption Registry for Vital Statistics prior to obtaining this position. Before joining the State, Iris worked directly with communities across Texas on efforts focused on health, environment and other related initiatives.



**DONESHIA ATES**

Doneshia Ates has recently joined the Field Services team of the Vital Statistics Unit. She serves the North Eastern regions of Texas (Public Health Regions 2 & 3). Doneshia graduated from Texas State University- San Marcos with a Bachelors of Science Degree. She majored in Psychology and minored in Healthcare Administration. Doneshia has an extensive background in statistics, project management, and healthcare relations. Before joining the Vital Statistics Unit, Doneshia worked for the Center for Health Statistics.

## DECLARING SOMEONE DECEASED

By Derek Johnson  
*Field Representative, VSU*

Although the Vital Statistics Unit is primarily concerned with the certificates of death, often its stakeholders need some idea of where to begin the process of declaring someone deceased.

### So how exactly does one declare someone deceased?

According to the Section 133.001 of the Texas Civil Practices and Remedies Code, a person is presumed dead after seven (7) years of successive absents unless one can otherwise prove that that person was alive within those seven (7) years.

In order to make that declaration, the individual who wishes to declare someone deceased must file a petition with the District Court, which, after a hearing, will issue an order declaring the person deceased.

For more on filing a delayed registration of death, visit: <https://www.dshs.state.tx.us/vs/handbooks/death/deathbk2.shtm#judicial>



## 2010 VITAL STATISTICS FIVE-STAR AWARD CRITERIA

### FUNERAL HOMES AND MORTUARY SERVICES

#### TIMELINESS

Complete and print 90% or higher of all drop-to-paper death registrations within 5 days of death using TER between January 1, 2010 and September 30, 2010.

*Purpose: To allow for medical certifier's their 5 days to complete the medical certification [HSC §193.005(b)] on the death record so that the record can be filed not later than the 10th day after the date of death.*

#### TRAINING

Attend the 2009 Annual Vital Statistics Conference or one of the 2010 Regional Vital Statistics Conferences and complete the online self-assessment. The online self-assessment will be available via the website; [www.texasvsu.org](http://www.texasvsu.org) this summer.

#### ACCURACY

90% or better of all Social Security Verification's return "Passed" for all records filed by your facility between January 1, 2010 and September 30, 2010.

#### COLLABORATION

Recruit physicians in your registration district to sign up and use TER.

#### INNOVATION

Complete better than the state average of all death certificates fully electronically using the TER system.

Funeral homes and Mortuary Services that complete 90% or more of their records fully electronically will be considered for an Exemplary Five-Star designation.

### HOSPITALS BIRTHING CENTERS AND MIDWIVES

#### TIMELINESS

Complete 92% or better of birth registration releases within 5 days of the birth using TER between January 1, 2009 and September 30, 2010.

Hospitals, Birthing Centers and Midwives, that complete 95% or better of birth registration releases within 5 days of the birth using TER will be considered for an Exemplary Five-Star Designation.

#### TRAINING

Attend the 2009 Annual Vital Statistics Conference or one of the 2010 Regional Vital Statistics Conferences and complete the online self-assessment. The online self-assessment will be available via the website; [www.texasvsu.org](http://www.texasvsu.org) this summer.

Hospitals, Birthing Centers and Midwives, that send at least two employees from the same facility to one of the conferences will be considered for an Exemplary Five-Star Designation.

#### ACCURACY

Less than 5% of all birth records filed at your facility had one or more of the key required statistical fields left blank or marked "unknown" as a response between January 1, 2010 and September 30, 2010. *(These items are Mother's Education [Mother 1 Tab], Mother's Last Menses Date [Medical 1 Tab], Date Of First Prenatal [Medical 1 Tab], and Attendant Type [Certifier Tab].)*

#### IMMTRAC PERFORMANCE

Use the manual ImmTrac (NB-2) consent form to offer parents of newborns the opportunity to "grant" or "deny" ImmTrac consent, and submit properly completed forms for 95% of children born at your facility between September 1, 2009 and August 31, 2010.

#### PATERNITY

Complete better than the state average of potential Acknowledgments of Paternity at your facility from October 1, 2009 through September 30, 2010.

### LOCAL REGISTRARS

#### TIMELINESS

Average no more than 20 days for death registrations entered in TER, including manual, drop-to-paper and fully electronic, from the date of death to filing in the state office between January 1, 2010 to September 30, 2010.

Local registration offices averaging less than 12 days will be considered for an Exemplary Five-Star designation.

#### TRAINING

Attend the 2009 Annual Vital Statistics Conference or one of the 2010 Regional Vital Statistics Conferences, and complete the on-line TER-Death Registration Training at [Texasvsu-ed.org](http://Texasvsu-ed.org)

#### IMPROVEMENT

Have filed better than the state average of all death records fully electronically in your registration district from January 1, 2010 through September 30, 2010.

#### TIMELY ELECTRONIC DEATH REGISTRATION

Register 98% fully electronic death records filed locally within one business day of receipt.

#### MANAGING REGISTRATION

Complete the online self-assessment survey. The online self-assessment will be available via the website; [www.texasvsu.org](http://www.texasvsu.org) this summer.

# Revised Law Requires HIV Testing for All Expectant Mothers During Third Trimester

EFFECTIVE JANUARY 1, 2010



HIV/STD/TB Epi and Surveillance Branch

Changes to Texas Health and Safety Code, Section 81.090, made during the 81st Legislative Session by House Bill 1795 brought Texas perinatal HIV testing requirements into harmony with CDC recommendations. In addition to testing already required at the first prenatal care visit, Texas law now requires a second test be done during the third trimester. Upon admission to delivery, if no record of a third trimester HIV test is available, expedited HIV testing is necessary. The law also provides for expedited HIV testing of infants at delivery, if no record of a third trimester HIV test or if no HIV test performed before delivery. For more information visit the following website:

<http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.81.htm#81.090>

Given the changes to HSC 81.090, the birth certificate abstraction form may need to be modified in order to capture HIV testing during pregnancy (first prenatal care visit and third trimester), at labor and delivery, or testing of the infant at delivery. If the birth certificate form is modified, advance notice and training will be provided by the Vital Statistics Unit and the Texas Electronic Registrar (TER).

## Why test pregnant women?

Testing and treatment for HIV, HBV and syphilis prevents infected infants. Without knowledge of HIV status, a mother with HIV has an approximately 25 percent chance of transmitting HIV to her unborn child. If HIV positive pregnant women and their children know their status and receive appropriate care and treatment during pregnancy, labor, delivery and postpartum, the perinatal transmission rate can be decreased to two percent or less.

## Consent and Information Distribution

Before testing a patient for HIV, HBV and syphilis, the clinician must inform the woman that the test will be performed and provide written information. Separate consent forms are not required and verbal notification is acceptable. Most women give consent to be tested. According to birth records, of the 405,347 Texas women delivering in 2008, 99% were tested for HIV either prenatally or at labor and delivery. If a woman objects, a referral to an anonymous testing site should be made. In addition to giving a referral to an anonymous testing site, the clinician can

discuss testing with the patient. Women refuse testing for different reasons. A clinician can listen to the patient and give information about risk factors, advantages of testing, ease of testing, and inform the woman of resources in the event the result is positive. A clinician cannot test a woman without consent. Medical records should reflect that the test was explained to the patient and she consented.

All women, regardless of consent, must receive printed materials about HIV, HBV and syphilis. Materials must include information about disease transmission and prevention, frequency, infection consequences for the child and available treatment. When possible, material should be provided in a language and literacy level patients understand. Appropriate materials are available in English and Spanish through the Texas Department of State Health Services (DSHS). Medical records should also note the patient received printed materials.

For more information, additional resources and a list of free patient education materials, please visit: [www.dshs.state.tx.us/hivstd/info/pregnancy.shtm](http://www.dshs.state.tx.us/hivstd/info/pregnancy.shtm).

*The preceding article segment has been reprinted with permission, courtesy of DSHS HIV/STD Program*

ANNOUNCING THE

## 2010 REGIONAL CONFERENCES

JUNE 8  
SOUTH PADRE ISLAND

Sheraton Beach Hotel  
310 Padre Blvd.  
(956)761-6551

Room rates: \$107 single/\$107 double  
call by May 15th  
Mention Vital Statistics Conference

JUNE 11  
FORT WORTH

Norris Conference Center  
for meetings  
304 Houston Street  
Fort Worth, Texas 76102

Courtyard Marriott/  
Blackstone Downtown  
Room Rates: \$95 single \$95 double  
call 1-800-Marriott  
cut off date May 21, 2010  
Mention Vital Statistics Conference  
TPHTPHA for king  
TPHTPHB for 2 queen beds

JULY 6  
SAN ANTONIO

The St. Anthony  
300 East Travis Street  
San Antonio, Texas 78205

Room rate: \$85 single/\$105 double  
call by June 21st  
(210)227-4392 or 1-800-WYNDHAM  
Parking Overnight Valet \$24.50  
self \$19.00  
Event Parking Valet \$15.00 self \$9.00

JULY 8  
MIDLAND

Hilton Midland Plaza  
117 West Wall

Room Rates: \$85 single \$85 double  
call 1-800-722-6131  
mention Vital Statistics Conference  
Cut off date June 23, 2010  
\$5.00 parking fee if staying at hotel

For more information visit:  
<http://www.dshs.state.tx.us/vs/field/regconf2010.shtm>

# *En Route Births:* WHO FILES THE BIRTH RECORD?

By Victor Farinelli, Field Representative VSU

Through-out the year the Vital Statistics Unit is often asked “Who files the birth record when the child is born on the way to the hospital?” And the answer is...it depends on what you mean by “on the way to the hospital”.

In order to help facilitate the filing of the birth certificate, we can provide you a few guidelines to assist in your facility in deciding whether 1) you can file the birth record using the Texas Electronic Registration (TER) system, or 2) you will have to direct them to the local registrar for filing.

First, let us look at the information provided in the handbook on birth registration (<http://www.dshs.state.tx.us/vs/handbooks/birth/birth2.shtm#1>), which is taken from the National Center for Health Statistics Birth Certificate guidelines:

“If the mother is en route to the hospital when the child is born and the hospital is the first place where the child is removed from the conveyance, “En route” should be indicated. In this case the Hospital should complete the birth record to show the name of the city or town in which the facility of destination is located.

If it has been determined that the child was not first removed from conveyance at the hospital, the birth record should be filed by the parent(s) with the local registrar of the city, town, village, or location where the child was first removed from the conveyance.”

If the child is born in a moving conveyance and does not leave that conveyance until they reach the hospital, the hospital can file the birth record in TER. For example, the parents get into the vehicle or the mother is put in the ambulance and proceeds to the hospital and on the way, the mother gives birth. When they arrive at the hospital, the baby and mother leave the conveyance. In this case the hospital can file the birth record. The birth clerk would select “Born En Route to Facility” as the Record Type in TER. The hospital or birth center name and address will automatically populate when selecting this is selected.

If the child was removed from conveyance prior to arriving at the hospital, the place of birth would be where the child was first removed from the conveyance. For example, the parents are on their way to the hospital and the mother gives birth. They stop and call EMS. EMS moves the child from the vehicle to the ambulance and continues onto the hospital. In this case the place of birth would be wherever the child was removed from the vehicle and placed in the ambulance. The parents would need to go to the local registrar’s office to file the birth record. The hospital can help the parents in the birth certificate registration process by providing them documentation required by the local registrar to meet the statutorily required burden of proof for non-institutional births. Specific items that a hospital can help establish include proof that the mother was pregnant and the date and place of birth. The hospital or birthing center name and address will appear on the birth certificate as place of birth, and ‘en route’ will be indicated.

More information on non-institutional births can be found in the Handbook on Birth Registration available at [Texasvsu.org](http://Texasvsu.org).

## ABOUT *Qualified* APPLICANTS

Compiled by  
Doneshia Ates, Field Representative VSU

### A Qualified Applicant is an:

- Immediate family member by blood or marriage
- Legal guardian  
(must provide documentation)
- Legal representative of the family  
(must provide documentation)
- Organization/agency that has an absolute or other tangible interest and can demonstrate need for the record  
(must present and review documentation)

### The following may be types of qualified applicants:

- Caseworker  
(with the proper documentation)
- Housing Center  
Homeless person may solicit help from a shelter
- Legal Representative  
Attorney, beneficiary of an estate, managing conservator
- Local state, and federal law enforcement DPS, and Border Patrol

For more information:

[www.texasonline.gov](http://www.texasonline.gov)  
[www.texasonline.com](http://www.texasonline.com)  
<http://www.dshs.state.tx.us/vs>

Legal Basis:

Texas Administrative Code, Title 25, Part 1, Chapter 181.1



Texas Vital Statistics  
Department of State Health Services  
1100 West 49th Street  
Austin, Texas 78756

Periodical Rate  
Austin, Texas

## HELPFUL NUMBERS

### **ADOPTION**

Brenda White 7483  
Lori de Leon 2798

### **AMENDMENTS**

Belinda Cochran 2668  
Christina Faske 2578

### **AOP REGISTRY**

Orphetta Lett 2558

### **DELAYED RECORDS**

Cynthia Brown 2544

### **FRAUD**

Edward Saucedo 7383  
Teresa Bates 7508

### **PATERNITY**

Diana Martinez 3224

### **PATERNITY REGISTRY**

Carolyn Morgan 7782

### **QUALITY ASSURANCE**

Linda Rodriguez 2595

### **TER SUPPORT**

Venessa Butts 7377  
Mark Jenkins 2593

### **TEXAS ONLINE**

Brandy Gibson 7462  
Cherryl Priestley 7308

## VISIT OUR WEBSITE

FOR MORE NEWS AND INFORMATION

### **FIELD SERVICES DEPARTMENT**

[www.texasvsu.org](http://www.texasvsu.org)

### **TEXAS ELECTRONIC DEATH REGISTRATION TRAINING**

[www.texasvsu-ed.org](http://www.texasvsu-ed.org)

### **TER HELP DESK**

[www.help-ter.texasvsu.org](http://www.help-ter.texasvsu.org)  
Email: [help-ter@texasvsu.org](mailto:help-ter@texasvsu.org)

### **TEXAS VITAL STATISTICS HANDBOOKS**

[www.handbooks.texasvsu.org](http://www.handbooks.texasvsu.org)

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