



DoD INSTRUCTION 6040.49

BIRTH AND DEATH REPORTING IN THE DoD

Originating Component: Office of the Under Secretary of Defense for Personnel and Readiness

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Purpose: In accordance with the authority in DoD Directive 5124.02 and the guidance in DoD Instruction (DoDI) 1300.18, this issuance establishes policy, assigns responsibilities, and prescribes procedures for reporting the births and deaths of Service members and applicable civilians, including military dependents, DoD civilian employees, and eligible contractors in the United States and outside the United States.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

1.2. POLICY.

It is DoD policy that appropriate personnel notify designated authorities for the births and deaths of Service members and applicable civilians, including military dependents, DoD civilian employees, and eligible contractors in the United States and outside the United States.in accordance with applicable laws and regulations.

SECTION 2: RESPONSIBILITIES

2.1. ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS (ASD(HA)).

Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, the ASD(HA) oversees compliance with this issuance.

2.2. DIRECTOR, DEFENSE HEALTH AGENCY (DHA).

Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, through the ASD(HA), the Director, DHA coordinates with the Secretaries of the Military Departments to:

- a. Develop and issue policy, if necessary, to implement this issuance.
- b. Require military medical treatment facility (MTF) directors to comply with, oversee implementation of, and execute this issuance.

2.3. SECRETARIES OF THE MILITARY DEPARTMENTS.

In coordination with Director, DHA, the Secretaries of the Military Departments require commanding officers and personnel under the jurisdiction of the Military Departments concerned to comply with this issuance and any implementing policies, procedures, and guidance, including DoDI 1300.18.

SECTION 3: PROCEDURES

3.1. OVERVIEW.

a. Appropriate personnel will comply with DoDI 6040.45 regarding health records and local laws, regulations, and agreements when registering births and recording and reporting deaths covered in this issuance.

b. Appropriate personnel must comply with DoDIs 5400.11, 6025.18, and 8580.02, and DoD Manual 6025.18 to ensure collected personally identifiable information or protected health information is:

(1) Only used for the birth and death reporting procedures in this issuance.

(2) Shared only with personnel with a need to access the personally identifiable information or protected health information to complete reporting procedures.

3.2. BIRTH REPORTING.

a. Birth Reporting in the U.S.

The patient administration department will register all births occurring at MTFs, on ships and aircraft, and at other DoD installations or facilities to the proper civil authorities in accordance with local laws and regulations. MTFs, ships, aircraft, and DoD installations or facilities that do not have a patient administration department will report all births to the commanding officer. The commanding officer will also report the birth to the proper civil authorities in accordance with local laws and regulations.

b. Birth Reporting Outside the U.S.

Appropriate personnel will:

(1) Report all births occurring at MTFs or at other DoD installations or facilities, in accordance with SOFAs and U.S. State Department requirements.

(2) When births occur on aircraft or ships operating, report them to the commanding officer to be recorded in the aircraft or ship log. The commanding officer will also report the birth to the local authorities in the first port of entry in accordance with the SOFA of that local authority and State Department requirements.

(a) If the local registrar of vital statistics or other civil authority does not accept such a report, the MTF personnel or medical officers will advise the parents to seek the advice of the nearest Embassy or U.S. Consular's offices as soon as possible.

(b) Embassy and U.S. Consular's offices are in ports of entry and in major U.S. cities.

(3) Report births occurring on courses outbound to the U.S. Consular representative at the next appropriate foreign port. When the aircraft or ship does not enter a foreign port, procedures described in Paragraph 3.3.b.(2)(a) will be followed.

(4) Provide the parents with birth registration documentation in accordance with SOFAs and State Department requirements.

3.3. DEATH REPORTING.

a. Death Reporting in the U.S.

Appropriate personnel will:

(1) Notify the local casualty affairs office in accordance with DoDIs 1300.29 and 1300.18.

(2) For natural deaths occurring within the jurisdiction of the local MTF, complete and submit the appropriate local death certificate worksheets to the appropriate civil authorities in accordance with local laws and regulations.

(3) For unnatural deaths occurring at MTFs and DoD installations or facilities:

(a) Notify the military criminal investigative offices and local civil authorities.

(b) Notify the AFME in accordance with DoDI 5154.30. Information regarding contacting the Armed Forces Medical Examiner System (AFMES) is located at <https://www.health.mil/Military-Health-Topics/Health-Readiness/AFMES>.

(c) Coordinate with the AFME, military criminal investigative offices, and local civil authorities as appropriate.

(d) Provide information to DoD Components who must complete applicable death reporting, investigation, and recordkeeping requirements specified in Section 1904.39 of Title 29, Code of Federal Regulations, relating to reporting employee deaths to the Occupational Safety and Health Administration and DoDI 6055.07 relating to mishap notification.

b. Death Reporting Outside the U.S.

In accordance with SOFAs, security cooperation agreements in accordance with DoD Directive 5132.03, host nation laws, and State Department requirements, appropriate personnel will:

(1) Notify the local casualty affairs office in accordance with DoDIs 1300.29 and 1300.18.

(2) For natural deaths:

(a) Report deaths to the appropriate local authorities. Local laws and regulations may require a completed DD Form 2064, "Certificate of Death Overseas," this form can be obtained by request from the AFMES org box: usarmy.dover.medcom-afmes.mbx.information@health.mil.

(b) When deaths occur on aircraft or ships operating outside the U.S., report the death to the commanding officer to be recorded in the aircraft or ship log.

1. The commanding officer will report the death to the AFME and local authorities in the first port of entry in accordance with the SOFA of that local authority and State Department requirements.

2. Information regarding contacting the AFMES is located at <https://www.health.mil/Military-Health-Topics/Health-Readiness/AFMES>.

(3) For unnatural deaths:

(a) Notify the military criminal investigative offices, local civil authorities, and the AFME. Information regarding contacting the AFMES is located at <https://www.health.mil/Military-Health-Topics/Health-Readiness/AFMES>.

(b) When deaths occur on aircraft or ships operating outside the U.S., report the death to the commanding officer to be recorded in the aircraft or ship log. The commanding officer will report the death to the AFME and local authorities in the first port of entry in accordance with the SOFA of that local authority and State Department requirements. Additionally, commanding officers must complete applicable death reporting, investigation, and recordkeeping requirements specified in Section 1904.39 of Title 29, Code of Federal Regulations, relating to reporting employee deaths to the Occupational Safety and Health Administration and DoDI 6055.07, relating to mishap notification.

(c) Coordinate with the military criminal investigative offices, local civil authorities, and the AFME for notification requirements for deaths of Service members and their dependents occurring outside of MTFs or other DoD facilities, ships, or aircraft, as appropriate.

GLOSSARY

G.1. ACRONYMS.

ACRONYM	MEANING
AFME	Armed Forces Medical Examiner
AFMES	Armed Forces Medical Examiner System
ASD(HA)	Assistant Secretary of Defense for Health Affairs
DD	Department of Defense (form)
DHA	Defense Health Agency
DoDI	DoD instruction
MTF	military medical treatment facility
SOFA	status of forces agreement

G.2. DEFINITIONS.

These terms and their definitions are for the purpose of this issuance.

TERM	DEFINITION
civilian	A person who is not a Service member, including a member of the general public (U.S. citizen and non-U.S. citizen), a defense contractor, a DoD civilian employee, a non-DoD Federal employee, or a military dependent.
medical officer	MTF director or health care provider designated to perform birth and death reporting procedures.
military dependent	A member of a Service member's family considered to be a dependent as defined by Section 401 of Title 37, United States Code.
MTF	A fixed MTF established to furnish medical or dental care to eligible individuals, including all operations of each such facility and all health care delivery associated with each such facility.

TERM	DEFINITION
MTF director	<p>The person who is responsible for:</p> <p>Ensuring the readiness of the Service members at an MTF on behalf of the Military Departments.</p> <p>Furnishing the health care and medical treatment provided at an MTF on behalf of the DHA.</p>
MTF personnel	<p>Employees, volunteers, trainees, and other personnel whose conduct, in the performance of work for a DoD covered entity or business associate, is under the direct control of the DoD covered entity or business associate whether they are paid by the DoD covered entity or business associate.</p>
personally identifiable information	<p>Any representation or information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means.</p>
protected health information	<p>Individually identifiable health information (as defined in the Health Insurance Portability and Accountability Act Privacy Rule) that, except as provided in this issuance, is transmitted or maintained by electronic or any other form or medium. Protected health information excludes individually identifiable health information in employment records held by a DoD covered entity in its role as employer. Information that has been de-identified in accordance with the Health Insurance Portability and Accountability Act Privacy Rule is not protected health information.</p>
SOFA	<p>A bilateral or multilateral agreement that defines the legal position of a visiting military force deployed in the territory of a friendly state.</p>

REFERENCES

- Code of Federal Regulations, Title 29, Section 1904.39
- DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008, as amended
- DoD Directive 5132.03, “DoD Policy and Responsibilities Relating to Security Cooperation,” December 29, 2016
- DoD Instruction 1300.18, “DoD Personnel Casualty Matters, Policies, and Procedures,” January 8, 2008, as amended
- DoD Instruction 1300.29, “Mortuary Affairs Program,” June 28, 2021
- DoD Instruction 1341.02, “Defense Enrollment Eligibility Reporting System (DEERS) Program and Procedures,” August 18, 2016
- DoD Instruction 5154.30, “Armed Forces Medical Examiner System (AFMES) Operations,” December 29, 2015, as amended
- DoD Instruction 5400.11, “DoD Privacy and Civil Liberties Programs,” January 29, 2019, as amended
- DoD Instruction 6025.18, “Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Compliance in DoD Health Care Programs,” March 13, 2019
- DoD Instruction 6040.45, “DoD Health Record Life Cycle Management,” November 16, 2015, as amended
- DoD Instruction 6055.07, “Mishap Notification, Investigation, Reporting, and Record Keeping,” June 6, 2011, as amended
- DoD Instruction 8580.02, “Security of Individually Identifiable Health Information in DoD Health Care Programs,” August 12, 2015
- DoD Manual 6025.18, “Implementation of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule in DoD Health Care Programs,” March 13, 2019
- United States Code, Title 10, Section 1471
- United States Code, Title 37, Section 401