

House Bill 3124

Sponsored by Representative THATCHER; Representative BUTLER (at the request of Daniel R. Kohler)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows certificate of death to be completed in ink of any color.

A BILL FOR AN ACT

1 Relating to certificates of death; amending ORS 432.307.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1.** ORS 432.307 is amended to read:

4 432.307. (1) A certificate of death for each death that occurs in this state shall be submitted to
5 the county registrar of the county in which the death occurred or to the Center for Health Statis-
6 tics, or as otherwise directed by the State Registrar of the Center for Health Statistics, within five
7 days after death or the finding of a dead body and prior to final disposition, and shall be registered
8 if it has been completed and filed in accordance with this section.

9 (a) If the place of death is unknown, but the dead body is found in this state, the certificate of
10 death shall be completed and filed in accordance with this section. The place where the body is
11 found shall be shown as the place of death. If the date of death is unknown, it shall be determined
12 by approximation. If the date cannot be determined by approximation, the date the dead body is
13 found shall be entered and identified as the date of death.

14 (b) When death occurs in a moving conveyance:

15 (A) In the United States and the body is first removed from the conveyance in this state, the
16 death shall be registered in this state and the place where it is first removed shall be considered
17 the place of death.

18 (B) While in international waters or air space or in a foreign country or its air space and the
19 body is first removed from the conveyance in this state, the death shall be registered in this state
20 but the certificate shall show the actual place of death insofar as can be determined.

21 (c) In all other cases, the place where death is pronounced shall be considered the place where
22 death occurred.

23 (2) The funeral service practitioner or person acting as a funeral service practitioner who first
24 assumes custody of the dead body shall submit the certificate of death. The funeral service practi-
25 tioner or person acting as a funeral service practitioner shall obtain the personal data from the next
26 of kin or the best qualified person or source available and shall obtain the medical certification from
27 the person responsible therefor. The funeral service practitioner or person acting as a funeral ser-
28 vice practitioner shall provide the certificate of death containing information as specified by rule
29 to identify the decedent to the certifier within 48 hours after death.

30 (3) The physician, physician assistant practicing under the supervision of a person licensed to
31 practice medicine under ORS chapter 677 or certified nurse practitioner, in charge of the care of
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NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 the patient for the illness or condition that resulted in death shall complete, sign and return the
 2 medical certification of death to the funeral service practitioner or person acting as a funeral ser-
 3 vice practitioner within 48 hours after receipt of the certificate of death by the physician, physician
 4 assistant or nurse practitioner, except when inquiry is required by ORS chapter 146. In the absence
 5 or inability of the physician, physician assistant or nurse practitioner, or with the approval of the
 6 physician, the medical certification of death may be completed by an associate physician, the chief
 7 medical officer of the institution in which death occurred or the physician who performed an
 8 autopsy upon the decedent, provided that the individual has access to the medical history of the case
 9 and death is due to natural causes. The person completing the medical certification of death shall
 10 attest to its accuracy either by signature or by an approved electronic process.

11 (4) When inquiry is required by ORS chapter 146, the medical examiner shall determine the
 12 cause of death and shall complete and sign the medical certification of death within 48 hours after
 13 taking charge of the case.

14 (5) If the cause of death cannot be determined within the time prescribed, the medical certif-
 15 ication of death shall be completed as provided by rule of the state registrar. The attending physi-
 16 cian, physician assistant practicing under the supervision of a person licensed to practice medicine
 17 under ORS chapter 677, nurse practitioner or medical examiner shall give the funeral service prac-
 18 titioner or person acting as a funeral service practitioner notice of the reason for the delay, and
 19 final disposition of the body shall not be made until authorized by the attending physician, physician
 20 assistant, nurse practitioner or medical examiner.

21 (6) Upon receipt of autopsy results or other information that would change the information in
 22 the "Cause of Death" section of the certificate of death from that originally reported, the certifier
 23 shall immediately file a supplemental report of cause of death with the Center for Health Statistics
 24 to amend the certificate.

25 (7) When a death is presumed to have occurred within this state but the body cannot be located,
 26 a certificate of death may be registered by the state registrar only upon receipt from the State
 27 Medical Examiner. Such a death certificate shall be marked "Presumptive" and shall show on its
 28 face the date of registration.

29 (8) When a death occurring in this state has not been registered within the time period pre-
 30 scribed by this section, a certificate of death may be filed in accordance with rules of the state
 31 registrar. The certificate shall be registered subject to evidentiary requirements as the state
 32 registrar by rule shall prescribe to substantiate the alleged facts of death.

33 (9) A certificate of death registered one year or more after the date of death or the date the
 34 dead body was found shall be marked "Delayed" and shall show on its face the date of the delayed
 35 registration.

36 (10) When an applicant does not submit the minimum documentation required by rule of the
 37 state registrar for delayed registration or when the state registrar has cause to question the validity
 38 or adequacy of the applicant's sworn statement or the documentary evidence and if the deficiencies
 39 are not corrected, the state registrar shall not register the delayed certificate of death and shall
 40 advise the applicant of the right of appeal under ORS 183.480 to 183.484.

41 (11) A certificate of death required to be filed under this section shall contain the Social Secu-
 42 rity number of the decedent whenever the Social Security number is reasonably available from other
 43 records concerning the decedent or can be obtained from the person in charge of the final disposi-
 44 tion of the decedent.

45 **(12) A certificate of death submitted in compliance with this section may be completed**

1 **in ink of any color.**

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