

Enrolled House Bill 3611

Sponsored by Representatives ESQUIVEL, GARRARD, MATTHEWS, WITT, Senator SHIELDS; Representatives BAILEY, BARNHART, BENTZ, BERGER, BOONE, BREWER, BUCKLEY, CAMERON, CONGER, DEMBROW, DOHERTY, FREDERICK, GARRETT, GELSER, HARKER, HOLVEY, HOYLE, HUFFMAN, HUNT, JENSON, JOHNSON, KENNEMER, KOTEK, KRIEGER, LINDSAY, MCLANE, NATHANSON, NOLAN, PARRISH, READ, ROBLAN, SCHAUFLER, SHEEHAN, G SMITH, J SMITH, THOMPSON, TOMEI, WAND, WHISNANT, Senators BATES, BONAMICI, BURDICK, DEVLIN, EDWARDS, HASS, JOHNSON, MONNES ANDERSON, MONROE, ROSENBAUM, VERGER

CHAPTER

AN ACT

Relating to death certificates; amending ORS 432.307.

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

SECTION 1. ORS 432.307 is amended to read:

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

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

(b) When death occurs in a moving conveyance:

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

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

(c) In all other cases, the place where death is pronounced *[shall be]* **is** considered the place where death occurred.

(2) The funeral service practitioner or person acting as a funeral service practitioner who first assumes custody of the dead body shall submit the certificate of death. The funeral service practitioner or person acting as a funeral service practitioner shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification from the person responsible therefor. The funeral service practitioner or person acting as a funeral ser-

vice practitioner shall provide the certificate of death containing information as specified by rule to identify the decedent to the certifier within 48 hours after death.

(3) The physician, physician assistant practicing under the supervision of a person licensed to practice medicine under ORS chapter 677 or certified nurse practitioner, in charge of the care of the patient for the illness or condition that resulted in death shall complete, sign and return the medical certification of death to the funeral service practitioner or person acting as a funeral service practitioner within 48 hours after receipt of the certificate of death by the physician, physician assistant or nurse practitioner, except when inquiry is required by ORS chapter 146. In the absence or inability of the physician, physician assistant or nurse practitioner, or with the approval of the physician, the medical certification of death may be completed by an associate physician, the chief medical officer of the institution in which death occurred or the physician who performed an autopsy upon the decedent, provided that the individual has access to the medical history of the case and death is due to natural causes. The person completing the medical certification of death shall attest to its accuracy either by signature or by an approved electronic process.

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

(5) If the cause of death cannot be determined within the time prescribed, the medical certification of death [*shall*] **must** be completed as provided by rule of the state registrar. The attending physician, physician assistant practicing under the supervision of a person licensed to practice medicine under ORS chapter 677, nurse practitioner or medical examiner shall give the funeral service practitioner or person acting as a funeral service practitioner notice of the reason for the delay, and final disposition of the body [*shall*] **may** not be made until authorized by the attending physician, physician assistant, nurse practitioner or medical examiner.

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

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

(8) When a death occurring in this state has not been registered within the time period prescribed by this section, a certificate of death may be filed in accordance with rules of the state registrar. The certificate [*shall*] **must** be registered subject to evidentiary requirements [*as*] **prescribed** by the state registrar by rule [*shall prescribe*] to substantiate the alleged facts of death.

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

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

(11) A certificate of death required to be filed under this section [*shall*] **must** contain the Social Security number of the decedent whenever the Social Security number is reasonably available from other records concerning the decedent or can be obtained from the person in charge of the final disposition of the decedent.

(12) If a decedent's death was caused by suicide, the person who submits the death certificate to the county registrar or to the Center for Health Statistics, or as otherwise directed by the State Registrar of the Center for Health Statistics, shall make reasonable

efforts to ascertain and shall notify the center through the electronic death certificate system:

- (a) Whether the decedent was a veteran; and
- (b) If the decedent was a veteran, whether the decedent served in combat and, if so, where the decedent served.

Passed by House May 25, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate June 1, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State