

Stricken language would be deleted from and underlined language would be added to present law.
Act 975 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H4/1/19
A Bill

HOUSE BILL 1815

By: Representatives Perry, Capp, V. Flowers, Richardson

By: Senators G. Leding, D. Wallace

For An Act To Be Entitled

AN ACT TO AMEND THE DEATH CERTIFICATE REGISTRATION
PROCESS FOR THE SIGNATURE OF THE MEDICAL CERTIFICATE
OF DEATH; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE DEATH CERTIFICATE
REGISTRATION PROCESS FOR THE SIGNATURE OF
THE MEDICAL CERTIFICATE OF DEATH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-18-601(c)-(f), as amended by Acts 2019, No. 315, concerning death certification registration and the medical certification of death, is amended to read as follows:

(c)(1)(A)(i) The medical certification shall be completed, signed, and returned to the funeral director within ~~two (2)~~ three (3) business days after receipt of the death certificate by the physician in charge of the patient's care for the illness or condition that resulted in death, except when inquiry is required by § 12-12-315, § 12-12-318, or § 14-15-301 et seq.

(ii) Except as provided in subsection (i) of this section, a medical certification shall be completed using the electronic process or system designated by the division.

(B)(i) In the absence of the physician or with his or her approval, the certificate may be completed and signed by his or her associate physician, by the chief medical officer of the institution in which death occurred, by the pathologist who performed an autopsy upon the decedent, or



by a registered nurse as provided in this subsection, if the individual has access to the medical history of the case and has reviewed the coroner's report, if required, and if the death is due to natural causes.

(ii) The individual completing the cause-of-death section of the certificate shall attest to its accuracy *either by a signature as authorized under subsection (i) of this section* or by approved electronic process.

(2)(A) The Arkansas State Medical Board shall enforce by rule subdivision (c)(1) of this section concerning the time period in which the medical certification shall be executed.

(B)(i) If a physician refuses or otherwise fails to complete, sign, and return the medical certification to the funeral director within three (3) business days as required by subdivision (c)(1) of this section, the funeral director may notify the board of the failure to complete, sign, or return the medical certification within three (3) business days as required by subdivision (c)(1) of this section.

(ii) The board shall assess against a physician described in subdivision (c)(2)(B)(i) of this section a fine not to exceed two hundred fifty dollars (\$250) unless the physician shows good cause for the refusal or failure.

(3) A registered nurse employed by the attending hospice may complete and sign the medical certification of death and pronounce death for a patient who is terminally ill, whose death is anticipated, who is receiving services from a hospice program certified under § 20-7-117, and who dies in a hospice inpatient program or as a hospice patient in a nursing home or hospital.

(4)(A) If the hospice patient dies in the home, the registered nurse may make pronouncement of death.

(B) However, the coroner and the chief law enforcement official of the county or municipality where death occurred shall be immediately notified in accordance with § 12-12-315.

(5)(A) The Department of Health shall provide hospitals, nursing homes, and hospices with the appropriate death certificate forms, which will be made available to the certifier of death through an approved electronic process or system or another process designated by the division under subsection (i) of this section.

(B) When death occurs outside these health facilities, the funeral home shall provide the death certificate to the certifier of death through an approved electronic process or system or another process designated by the division under subsection (i) of this section.

(d)(1) If the cause of death appears to be other than the illness or condition for which the deceased was being treated or if inquiry is required by either of the laws referred to in subsection (c) of this section, the case shall be referred to the office of the State Medical Examiner or coroner in the jurisdiction where the death occurred or the body was found for investigation to determine and certify the cause of death through an approved electronic process or system or another process designated by the division under subsection (i) of this section.

(2) If the State Medical Examiner or county coroner determines that the case does not fall within his or her jurisdiction, he or she shall within twenty-four (24) hours refer the case back to the physician for completion of the medical certification.

(e)(1) When inquiry is required by either of the laws referred to in subsection (c) of this section, the State Medical Examiner or coroner in the jurisdiction where the death occurred or the body was found shall determine the cause of death and shall complete and sign the medical certification within forty-eight (48) hours after taking charge of the case.

(2) A medical certification completed and signed by the State Medical Examiner or coroner shall be completed using an approved electronic process or system or another process designated by the division under subsection (i) of this section.

(f)(1) If the cause of death cannot be determined within ~~forty-eight (48) hours after death~~ the time periods under subsections (c) or (e) of this section, the medical certification shall be completed as provided by rule.

(2) The attending physician, State Medical Examiner, or county coroner shall give the funeral director or person acting as the funeral director notice of the reason for the delay, and final disposition of the dead body shall not be made until authorized by the attending physician or State Medical Examiner or county coroner.

SECTION 2. Arkansas Code § 20-18-601, concerning death certification registration and the medical certification of death, is amended to add an

additional subsection to read as follows:

(i)(1) Upon request, the department may grant a waiver from the requirement of subdivision (c)(1)(A)(ii) of this section that a medical certification be completed using an electronic process or system if a person requesting the waiver:

(A) Lacks reliable internet connectivity sufficient to ensure access and secure submission to the electronic system;

(B) Has not received requested training or technical assistance from the division on the use of the system and correct submission procedure;

(C) Regularly signs fewer than five (5) medical certifications per month; or

(D) Shows other good cause for a waiver as determined by the department in its discretion.

(2) A physician who is granted a waiver under subdivision (i)(1) of this section:

(A) Shall not be fined under subsection (c)(2)(B) of this section for failure to submit medical certification using an electronic process or system; and

(B) Is liable for failure to submit a medical certification in a timely manner under subdivision (c)(1)(A)(i) of this section.

/s/Perry

APPROVED: 4/12/19