

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 707

By: Rosino of the Senate

and

Roe of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to public health and safety; amending
11 63 O.S. 2021, Section 1-317, as last amended by
12 Section 1, Chapter 184, O.S.L. 2022 (63 O.S. Supp.
13 2022, Section 1-317), which relates to death
14 certificates; extending time periods of certain
15 requirements; granting immunity from civil damages
16 under certain conditions; requiring the Office of the
17 Chief Medical Examiner to make certain disclosure;
18 requiring certain notice to contain specified
19 information; imposing certain duty on licensed
20 funeral directors; directing creation of certain
21 process; updating statutory language; providing for
22 codification; and providing an effective date.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-317, as
last amended by Section 1, Chapter 184, O.S.L. 2022 (63 O.S. Supp.
2022, Section 1-317), is amended to read as follows:

Section 1-317. A. A death certificate for each death which
occurs in this state shall be filed with the State Department of
Health, within ~~three (3)~~ six (6) calendar days after such death.

1 B. The funeral director shall personally sign the death
2 certificate and shall be responsible for filing the death
3 certificate. If the funeral director is not available, the person
4 acting as such who first assumes custody of a dead body in
5 accordance with Section 1158 of Title 21 of the Oklahoma Statutes
6 shall personally sign and file the death certificate. The personal
7 data shall be obtained from the next of kin or the best qualified
8 person or source available. The certificate shall be completed as
9 to personal data and delivered to the attending physician or the
10 medical examiner responsible for completing the medical
11 certification portion of the certificate of death within twenty-four
12 (24) hours after the death. No later than July 1, 2012, the
13 personal data, and no later than July 1, 2017, the medical
14 certificate portion, shall be entered into the prescribed electronic
15 system provided by the State Registrar of Vital Statistics and the
16 information submitted to the State Registrar of Vital Statistics.
17 The resultant certificate produced by the electronic system shall be
18 provided to the physician or medical examiner for medical
19 certification within twenty-four (24) hours after the death.

20 C. The medical certification shall be completed and signed
21 within ~~forty-eight (48) hours~~ five (5) calendar days after death
22 receipt of the death certificate by the physician, physician
23 assistant, or ~~advanced practice registered nurse~~ Advanced Practice
24 Registered Nurse in charge of the patient's care for the illness or

1 condition which resulted in death, except when inquiry as to the
2 cause of death is required by Section 938 of this title. No later
3 than July 1, 2017, the medical certification portion of certificate
4 data shall be entered into the prescribed electronic system provided
5 by the State Registrar of Vital Statistics and the information
6 submitted to the State Registrar of Vital Statistics.

7 D. In the event that the physician, physician assistant, or
8 ~~advanced practice registered nurse~~ Advanced Practice Registered
9 Nurse in charge of the patient's care for the illness or condition
10 which resulted in death is not in attendance at the time of death,
11 the medical certification shall be completed and signed within
12 ~~forty-eight (48) hours~~ five (5) calendar days after ~~death~~ receipt of
13 the death certificate by the physician, physician assistant, or
14 ~~advanced practice registered nurse~~ Advanced Practice Registered
15 Nurse in attendance at the time of death, except:

16 1. When the patient is under hospice care at the time of death,
17 the medical certification may be signed by the hospice's medical
18 director; and

19 2. When inquiry as to the cause of death is required by Section
20 938 of this title.

21 Provided, that such certification, if signed by other than the
22 attending physician, physician assistant, or ~~advanced practice~~
23 ~~registered nurse~~ Advanced Practice Registered Nurse, shall note on
24 the face the name of the attending physician, physician assistant,

1 or ~~advanced practice registered nurse~~ Advanced Practice Registered
2 Nurse and that the information shown is only as reported.

3 E. A certifier completing cause of death on a certificate of
4 death who knows that a lethal drug, overdose or other means of
5 assisting suicide within the meaning of Sections 3141.2 through
6 3141.4 of this title caused or contributed to the death shall list
7 that means among the chain of events under cause of death or list it
8 in the box that describes how the injury occurred. If such means is
9 in the chain of events under cause of death or in the box that
10 describes how the injury occurred, the certifier shall indicate
11 "suicide" as the manner of death.

12 F. The authority of a physician assistant to carry out the
13 functions described in this section shall be governed by the
14 practice agreement as provided by Section 519.6 of Title 59 of the
15 Oklahoma Statutes.

16 G. A physician, physician assistant, or Advanced Practice
17 Registered Nurse completing and signing a medical certification in
18 accordance with this section shall not be liable in a civil action
19 to recover damages for any acts or omissions relating to the medical
20 certification if the cause of death is determined in good faith
21 using the individual's best clinical judgment consistent with
22 current guidance provided by the applicable licensing board, unless
23 the acts or omissions amount to willful or wanton misconduct. The
24 immunity provided by this subsection shall be in addition to any

1 other immunity from liability to which these individuals may be
2 entitled.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 944.3 of Title 63, unless there
5 is created a duplication in numbering, reads as follows:

6 A. If, in the course of an investigation, the Office of the
7 Chief Medical Examiner declines to conduct an autopsy under Section
8 944 of Title 63 of the Oklahoma Statutes, the Office shall so inform
9 the person legally entitled to the custody of the body of the
10 deceased, or his or her representative to whom the body is released
11 under Section 941a of Title 63 of the Oklahoma Statutes, through a
12 written or electronic notice which the Office shall provide to such
13 person or representative at the time of release of the body. The
14 notice shall contain the contact information of a family assistance
15 coordinator for the purpose of implementing subsection C of this
16 section. The notice shall state that the person may have the right
17 to request a private autopsy at personal expense from an authorized
18 physician or hospital under Section 1154 of Title 21 of the Oklahoma
19 Statutes.

20 B. If the body is released to a representative of the person
21 legally entitled to the custody of the body and if that
22 representative is a funeral director licensed in this state, the
23 funeral director shall provide the person with the notice described
24 in this section upon receipt of the body.

1 C. The Office shall create a process by which the person
2 legally entitled to the custody of a body, or his or her
3 representative, may ask questions of, and receive responses from, a
4 family assistance coordinator regarding the medicolegal
5 investigation and other relevant topics within the purview of the
6 Office.

7 SECTION 3. This act shall become effective November 1, 2023.

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