

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

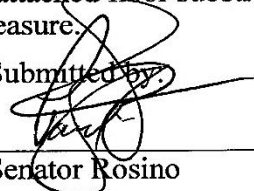
No. 1

COMMITTEE AMENDMENT

(Date)

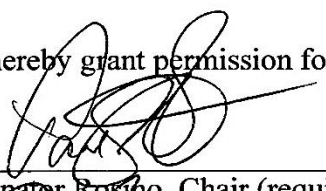
I move to amend Senate Bill No. 707 by substituting the attached floor substitute (Request #2023) for the title, enacting clause and entire body of the measure.

Submitted by

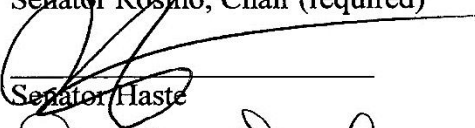


Senator Rosino


I hereby grant permission for the floor substitute to be adopted.



Senator Rosino, Chair (required)



Senator Haste

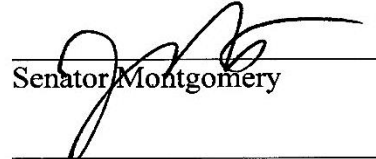


Senator Daniels



Senator Hall

Senator Hicks

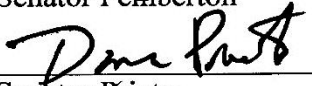


Senator Montgomery

Senator Treat, President Pro Tempore



Senator Pemberton




Senator Prieto



Senator Pugh

Senator Standridge



Senator Stanley

Senator Young

Senator McCortney, Majority Floor Leader

Note: Health and Human Services committee majority requires seven (7) members' signatures.

Rosino-DC-FS-SB707
3/21/2023 2:33 PM

(Floor Amendments Only)

Date and Time Filed: 3-21-23

2:53pm *fd*

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 707

6 By: Rosino of the Senate

7 and

8 Roe of the House

9 FLOOR SUBSTITUTE

10 [public health and safety - death certificates -
11 time periods - immunity - disclosure - notice - duty
12 - process - codification - effective date]

13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-317, as
16 last amended by Section 1, Chapter 184, O.S.L. 2022 (63 O.S. Supp.
17 2022, Section 1-317), is amended to read as follows:

18 Section 1-317. A. A death certificate for each death which
19 occurs in this state shall be filed with the State Department of
20 Health, within ~~three (3)~~ ten (10) calendar days after such death.

21 B. ~~The~~ It shall be the duty of the funeral director ~~shall~~
22 ~~personally sign the death certificate and shall be responsible for~~
23 ~~filing~~ to file the death certificate. If the funeral director is
24 not available, the person acting as such who first assumes custody

1 of a dead body in accordance with Section 1158 of Title 21 of the
2 Oklahoma Statutes shall personally sign and file the death
3 certificate. The funeral director shall obtain the personal data
4 ~~shall be obtained~~ from the next of kin or the best qualified person
5 or source available. ~~The certificate shall be completed as to~~
6 ~~personal data and delivered to the attending physician or the~~
7 ~~medical examiner responsible for completing the medical~~
8 ~~certification portion of the certificate of death within twenty-four~~
9 ~~(24) hours after the death. No later than July 1, 2012, the~~
10 ~~personal data, and no later than July 1, 2017, the medical~~
11 ~~certificate portion, shall be entered, enter the personal data into~~
12 the ~~prescribed~~ electronic system ~~provided~~ prescribed by the State
13 Registrar of Vital Statistics, ~~and the information submitted to the~~
14 ~~State Registrar of Vital Statistics. The resultant electronically~~
15 transmit the partial certificate produced by the electronic system
16 ~~shall be provided~~ to the physician, physician assistant, Advanced
17 Practice Registered Nurse, or medical examiner responsible for
18 completing the medical certification portion of the certificate of
19 death within twenty-four (24) hours after the death.

20 C. 1. The medical certification shall be completed and ~~signed~~
21 ~~within forty-eight (48) hours~~ certified within five (5) calendar
22 days after ~~death~~ receipt of the partial certificate by the
23 physician, physician assistant, or ~~advanced practice registered~~
24 ~~nurse~~ Advanced Practice Registered Nurse in charge of the patient's

1 care for the illness or condition which resulted in death, except
2 when inquiry as to the cause of death is required by Section 938 of
3 this title. ~~No later than July 1, 2017, the~~ The physician,
4 physician assistant, or Advanced Practice Registered Nurse shall
5 enter and certify the medical certification portion of certificate
6 data ~~shall be entered into~~ in the ~~prescribed~~ electronic system
7 ~~provided~~ prescribed by the State Registrar of Vital Statistics ~~and~~
8 ~~the information submitted to the State Registrar of Vital~~
9 ~~Statistics.~~

10 ~~D. 2.~~ In the event that the physician, physician assistant, or
11 ~~advanced practice registered nurse~~ Advanced Practice Registered
12 Nurse in charge of the patient's care for the illness or condition
13 which resulted in death is not in attendance at the time of death,
14 the medical certification shall be completed and signed within
15 ~~forty-eight (48) hours~~ five (5) calendar days after ~~death~~ receipt of
16 the partial certificate by the physician, physician assistant, or
17 ~~advanced practice registered nurse~~ Advanced Practice Registered
18 Nurse in attendance at the time of death, except:

19 1. ~~When~~

20 a. when the patient is under hospice care at the time of
21 death, the medical certification may be signed by the
22 hospice's medical director~~+,~~ and

23 2. ~~When~~

24

1 b. when inquiry as to the cause of death is required by
2 Section 938 of this title.

3 Provided, that such certification, if signed by other than the
4 attending physician, physician assistant, or ~~advanced practice~~
5 ~~registered nurse~~ Advanced Practice Registered Nurse, shall note on
6 the face the name of the attending physician, physician assistant,
7 or ~~advanced practice registered nurse~~ Advanced Practice Registered
8 Nurse and that the information shown is only as reported.

9 D. Within four (4) calendar days after receipt of the medical
10 certification from the physician, physician assistant, or Advanced
11 Practice Registered Nurse as described in subsection C of this
12 section, the funeral director shall conduct a final review of the
13 personal data and the medical certification, electronically sign the
14 death certificate, and submit the death certificate to the State
15 Registrar of Vital Statistics through the electronic system
16 prescribed by the State Registrar of Vital Statistics for official
17 registration.

18 E. A certifier completing cause of death on a certificate of
19 death who knows that a lethal drug, overdose or other means of
20 assisting suicide within the meaning of Sections 3141.2 through
21 3141.4 of this title caused or contributed to the death shall list
22 that means among the chain of events under cause of death or list it
23 in the box that describes how the injury occurred. If such means is
24 in the chain of events under cause of death or in the box that

1 describes how the injury occurred, the certifier shall indicate
2 "suicide" as the manner of death.

3 F. The authority of a physician assistant to carry out the
4 functions described in this section shall be governed by the
5 practice agreement as provided by Section 519.6 of Title 59 of the
6 Oklahoma Statutes.

7 G. A physician, physician assistant, or Advanced Practice
8 Registered Nurse completing and signing a medical certification in
9 accordance with this section shall not be liable in a civil action
10 to recover damages for any acts or omissions relating to the medical
11 certification if the cause of death is determined in good faith
12 using the individual's best clinical judgment consistent with
13 current guidance provided by the applicable licensing board, unless
14 the acts or omissions amount to willful or wanton misconduct. The
15 immunity provided by this subsection shall be in addition to any
16 other immunity from liability to which these individuals may be
17 entitled.

18 SECTION 2. AMENDATORY 63 O.S. 2021, Section 941, is
19 amended to read as follows:

20 Section 941. A. Upon receipt of notice of death of any person
21 which under Section 931 et seq. of this title is subject to
22 investigation, a representative ~~Death Investigator~~ death
23 investigator from the Office of the Chief Medical Examiner shall
24 immediately initiate an investigation and shall document in detail,

1 by the end of his or her assigned shift, all the known and available
2 facts of the death scene in the electronic database of the Chief
3 Medical Examiner. Decedent specimens, evidence, and photographs
4 shall be sent to the Office of the Chief Medical Examiner. The
5 investigating official of the Office of the Chief Medical Examiner
6 may take charge of any object or writing found on or near the body
7 which is deemed necessary for the purpose of establishing the cause
8 and/or manner of death.

9 B. Upon conclusion of the investigation and determination that
10 such objects or writings are no longer needed as evidence, the
11 medical examiner or the medical examiner's designee may deliver them
12 to the district attorney, law enforcement agency, or family for
13 disposition.

14 C. The investigating medical examiner or the medical examiner's
15 designee shall have access at all times to any and all medical and
16 dental records and history of the deceased, including, but not
17 limited to, radiographs and medical records, in the course of his or
18 her official investigation to determine the cause and manner of
19 death. Such records may not be released to any other person by the
20 medical examiner, and the custodians of such records shall incur no
21 liability by reason of the release of such records to the medical
22 examiner.

23 D. 1. The body of the deceased shall be turned over to the
24 funeral director designated by the person responsible for burial

1 within twenty-four (24) hours of receipt of the decedent unless a
2 longer period is necessary to complete the required investigation.

3 2. The investigation shall be concluded and the case completed
4 within sixty (60) calendar days after the Office of the Chief
5 Medical Examiner assumes custody of the body, unless circumstances
6 exist that prevent adherence to this timeline.

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

10 A. If, in the course of an investigation, the Office of the
11 Chief Medical Examiner declines to conduct an autopsy under Section
12 944 of Title 63 of the Oklahoma Statutes, the Office shall make a
13 good faith effort to so inform the person legally entitled to the
14 custody of the body of the deceased through a written or electronic
15 notice upon or before release of the body. The notice shall
16 contain:

17 1. A statement disclosing that an autopsy was not conducted;

18 2. The contact information of a family assistance coordinator
19 as described in subsection C of this section;

20 3. A statement that the person may have the right to request a
21 private autopsy at personal expense from an authorized physician or
22 hospital under Section 1154 of Title 21 of the Oklahoma Statutes
23 prior to the final disposition of the body; and

24

1 4. A statement that the person may request reports produced by
2 the Office as provided by law upon conclusion of the investigation
3 and completion of the case.

4 B. A licensed funeral director shall make a good faith effort
5 to assist the Office of the Chief Medical Examiner in implementing
6 the requirements of subsection A of this section including, but not
7 limited to, by providing the Office with the contact information of
8 the person legally entitled to the custody of the body upon request
9 by the Office.

10 C. The Office shall create a process by which the person
11 legally entitled to the custody of a body or his or her
12 representative may ask questions of, and receive responses from, a
13 family assistance coordinator regarding the medicolegal
14 investigation and other relevant topics within the purview of the
15 Office.

16 SECTION 4. AMENDATORY 63 O.S. 2021, Section 947, is
17 amended to read as follows:

18 Section 947. A. The certification of death of any person whose
19 death is investigated under Section 931 et seq. of this title shall
20 be made by the Chief Medical Examiner or his or her designee upon a
21 medical examiner death certificate provided by the State Registrar
22 of Vital Statistics. Such death certificates shall be valid only
23 when signed by the Chief Medical Examiner or his or her designee.
24 Copies of all such certificates shall be forwarded immediately upon

1 receipt by the State Registrar of Vital Statistics to the Office of
2 the Chief Medical Examiner. The final certification of death issued
3 under this section shall be signed by the Chief Medical Examiner or
4 his or her designee immediately upon conclusion of the investigation
5 and completion of the case.

6 B. Any certification of death by an attending physician may be
7 referred by the State Registrar of Vital Statistics to the Chief
8 Medical Examiner for investigation and the amending of the original
9 certificate of death by the filing of a medical examiner death
10 certificate by the Chief Medical Examiner or his or her designee
11 when the death is determined by the Chief Medical Examiner to be one
12 properly requiring investigation under Section 938 of this title.

13 C. Medical examiner death certificates ~~will~~ shall not be
14 required in cases investigated solely for the purpose of issuing a
15 permit for transport of a body out of state.

16 SECTION 5. This act shall become effective November 1, 2023.

17
18 59-1-2023 DC 3/23/2023 12:18:37 AM

19
20
21
22
23
24