

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 707

By: Rosino of the Senate

6 and

7 Roe of the House

8
9 An Act relating to public health and safety; amending
10 63 O.S. 2021, Section 1-317, as last amended by
11 Section 1, Chapter 184, O.S.L. 2022 (63 O.S. Supp.
12 2022, Section 1-317), which relates to death
13 certificates; extending time periods of certain
14 requirements; removing obsolete and duplicative
15 language; clarifying applicability of certain
16 provision; specifying certain procedures for filing
17 of death certificate; granting immunity from civil
18 damages under certain conditions; amending 63 O.S.
19 2021, Section 941, which relates to investigation by
20 the Office of the Chief Medical Examiner; imposing
21 timeline for conclusion of investigation except under
22 certain circumstances; requiring the Office to make a
23 good faith effort to provide certain disclosure;
24 requiring certain notice to contain specified
information; requiring licensed funeral director to
make good faith effort to provide certain assistance;
directing creation of certain process; amending 63
O.S. 2021, Section 947, which relates to certificate
of death; requiring final certification of death to
be signed immediately upon conclusion of
investigation; updating statutory language; providing
for codification; and providing an effective date.

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

1 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-317, as
2 last amended by Section 1, Chapter 184, O.S.L. 2022 (63 O.S. Supp.
3 2022, Section 1-317), is amended to read as follows:

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

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

1 transmit the partial certificate produced by the electronic system
2 ~~shall be provided~~ to the physician, physician assistant, Advanced
3 Practice Registered Nurse, or medical examiner responsible for
4 completing the medical certification portion of the certificate of
5 death within twenty-four (24) hours after the death.

6 C. 1. The medical certification shall be completed and ~~signed~~
7 ~~within forty-eight (48) hours~~ certified within five (5) calendar
8 days after ~~death~~ receipt of the partial certificate by the
9 physician, physician assistant, or ~~advanced practice registered~~
10 ~~nurse~~ Advanced Practice Registered Nurse in charge of the patient's
11 care for the illness or condition which resulted in death, except
12 when inquiry as to the cause of death is required by Section 938 of
13 this title. ~~No later than July 1, 2017, the~~ The physician,
14 physician assistant, or Advanced Practice Registered Nurse shall
15 enter and certify the medical certification portion of certificate
16 data ~~shall be entered into~~ in the ~~prescribed~~ electronic system
17 ~~provided~~ prescribed by the State Registrar of Vital Statistics and
18 ~~the information submitted to the State Registrar of Vital~~
19 ~~Statistics.~~

20 ~~D.~~ 2. In the event that the physician, physician assistant, or
21 ~~advanced practice registered nurse~~ Advanced Practice Registered
22 Nurse in charge of the patient's care for the illness or condition
23 which resulted in death is not in attendance at the time of death,
24 the medical certification shall be completed and signed within

1 ~~forty-eight (48) hours~~ five (5) calendar days after ~~death~~ receipt of
2 the partial certificate by the physician, physician assistant, or
3 ~~advanced practice registered nurse~~ Advanced Practice Registered
4 Nurse in attendance at the time of death, except:

5 1. ~~When~~

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

9 2. ~~When~~

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

12 Provided, that such certification, if signed by other than the
13 attending physician, physician assistant, or ~~advanced practice~~
14 ~~registered nurse~~ Advanced Practice Registered Nurse, shall note on
15 the face the name of the attending physician, physician assistant,
16 or ~~advanced practice registered nurse~~ Advanced Practice Registered
17 Nurse and that the information shown is only as reported.

18 D. Within four (4) calendar days after receipt of the medical
19 certification from the physician, physician assistant, or Advanced
20 Practice Registered Nurse as described in subsection C of this
21 section, the funeral director shall conduct a final review of the
22 personal data and the medical certification, electronically sign the
23 death certificate, and submit the death certificate to the State
24 Registrar of Vital Statistics through the electronic system

1 prescribed by the State Registrar of Vital Statistics for official
2 registration.

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. AMENDATORY 63 O.S. 2021, Section 941, is
4 amended to read as follows:

5 Section 941. A. Upon receipt of notice of death of any person
6 which under Section 931 et seq. of this title is subject to
7 investigation, a representative ~~Death Investigator~~ death
8 investigator from the Office of the Chief Medical Examiner shall
9 immediately initiate an investigation and shall document in detail,
10 by the end of his or her assigned shift, all the known and available
11 facts of the death scene in the electronic database of the Chief
12 Medical Examiner. Decedent specimens, evidence, and photographs
13 shall be sent to the Office of the Chief Medical Examiner. The
14 investigating official of the Office of the Chief Medical Examiner
15 may take charge of any object or writing found on or near the body
16 which is deemed necessary for the purpose of establishing the cause
17 and/or manner of death.

18 B. Upon conclusion of the investigation and determination that
19 such objects or writings are no longer needed as evidence, the
20 medical examiner or the medical examiner's designee may deliver them
21 to the district attorney, law enforcement agency, or family for
22 disposition.

23 C. The investigating medical examiner or the medical examiner's
24 designee shall have access at all times to any and all medical and

1 dental records and history of the deceased, including, but not
2 limited to, radiographs and medical records, in the course of his or
3 her official investigation to determine the cause and manner of
4 death. Such records may not be released to any other person by the
5 medical examiner, and the custodians of such records shall incur no
6 liability by reason of the release of such records to the medical
7 examiner.

8 D. 1. The body of the deceased shall be turned over to the
9 funeral director designated by the person responsible for burial
10 within twenty-four (24) hours of receipt of the decedent unless a
11 longer period is necessary to complete the required investigation.

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

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

19 A. If, in the course of an investigation, the Office of the
20 Chief Medical Examiner declines to conduct an autopsy under Section
21 944 of Title 63 of the Oklahoma Statutes, the Office shall make a
22 good faith effort to so inform the person legally entitled to the
23 custody of the body of the deceased through a written or electronic
24

1 notice upon or before release of the body. The notice shall
2 contain:

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

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

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

10 4. A statement that the person may request reports produced by
11 the Office as provided by law upon conclusion of the investigation
12 and completion of the case.

13 B. A licensed funeral director shall make a good faith effort
14 to assist the Office of the Chief Medical Examiner in implementing
15 the requirements of subsection A of this section including, but not
16 limited to, by providing the Office with the contact information of
17 the person legally entitled to the custody of the body upon request
18 by the Office.

19 C. The Office shall create a process by which the person
20 legally entitled to the custody of a body or his or her
21 representative may ask questions of, and receive responses from, a
22 family assistance coordinator regarding the medicolegal
23 investigation and other relevant topics within the purview of the
24 Office.

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

3 Section 947. A. The certification of death of any person whose
4 death is investigated under Section 931 et seq. of this title shall
5 be made by the Chief Medical Examiner or his or her designee upon a
6 medical examiner death certificate provided by the State Registrar
7 of Vital Statistics. Such death certificates shall be valid only
8 when signed by the Chief Medical Examiner or his or her designee.
9 Copies of all such certificates shall be forwarded immediately upon
10 receipt by the State Registrar of Vital Statistics to the Office of
11 the Chief Medical Examiner. The final certification of death issued
12 under this section shall be signed by the Chief Medical Examiner or
13 his or her designee immediately upon conclusion of the investigation
14 and completion of the case.

15 B. Any certification of death by an attending physician may be
16 referred by the State Registrar of Vital Statistics to the Chief
17 Medical Examiner for investigation and the amending of the original
18 certificate of death by the filing of a medical examiner death
19 certificate by the Chief Medical Examiner or his or her designee
20 when the death is determined by the Chief Medical Examiner to be one
21 properly requiring investigation under Section 938 of this title.

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

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

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/13/2023 -
DO PASS.