

1 **SENATE FLOOR VERSION**

2 March 2, 2023

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 707

By: Rosino of the Senate

and

Roe of the House

8 [ public health and safety - death certificates -  
9 time periods - immunity - disclosure - notice - duty  
- process - codification - effective date ]

10  
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-317, as  
13 last amended by Section 1, Chapter 184, O.S.L. 2022 (63 O.S. Supp.  
14 2022, Section 1-317), is amended to read as follows:

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

18 B. The funeral director shall personally sign the death  
19 certificate and shall be responsible for filing the death  
20 certificate. If the funeral director is not available, the person  
21 acting as such who first assumes custody of a dead body in  
22 accordance with Section 1158 of Title 21 of the Oklahoma Statutes  
23 shall personally sign and file the death certificate. The personal  
24 data shall be obtained from the next of kin or the best qualified

1 person or source available. The certificate shall be completed as  
2 to personal data and delivered to the attending physician or the  
3 medical examiner responsible for completing the medical  
4 certification portion of the certificate of death within twenty-four  
5 (24) hours after the death. No later than July 1, 2012, the  
6 personal data, and no later than July 1, 2017, the medical  
7 certificate portion, shall be entered into the prescribed electronic  
8 system provided by the State Registrar of Vital Statistics and the  
9 information submitted to the State Registrar of Vital Statistics.  
10 The resultant certificate produced by the electronic system shall be  
11 provided to the physician or medical examiner for medical  
12 certification within twenty-four (24) hours after the death.

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

24

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

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

13 2. When inquiry as to the cause of death is required by Section  
14 938 of this title.

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

21 E. A certifier completing cause of death on a certificate of  
22 death who knows that a lethal drug, overdose or other means of  
23 assisting suicide within the meaning of Sections 3141.2 through  
24 3141.4 of this title caused or contributed to the death shall list

1 that means among the chain of events under cause of death or list it  
2 in the box that describes how the injury occurred. If such means is  
3 in the chain of events under cause of death or in the box that  
4 describes how the injury occurred, the certifier shall indicate  
5 "suicide" as the manner of death.

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

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

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

24

1           A. If, in the course of an investigation, the Office of the  
2 Chief Medical Examiner declines to conduct an autopsy under Section  
3 944 of Title 63 of the Oklahoma Statutes, the Office shall so inform  
4 the person legally entitled to the custody of the body of the  
5 deceased, or his or her representative to whom the body is released  
6 under Section 941a of Title 63 of the Oklahoma Statutes, through a  
7 written or electronic notice which the Office shall provide to such  
8 person or representative at the time of release of the body. The  
9 notice shall contain the contact information of a family assistance  
10 coordinator for the purpose of implementing subsection C of this  
11 section. The notice shall state that the person may have the right  
12 to request a private autopsy at personal expense from an authorized  
13 physician or hospital under Section 1154 of Title 21 of the Oklahoma  
14 Statutes.

15           B. If the body is released to a representative of the person  
16 legally entitled to the custody of the body and if that  
17 representative is a funeral director licensed in this state, the  
18 funeral director shall provide the person with the notice described  
19 in this section upon receipt of the body.

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

1 investigation and other relevant topics within the purview of the  
2 Office.

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

4 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
5 March 2, 2023 - DO PASS AS AMENDED BY CS

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24