

House Bill 3127

Sponsored by Representative OWENS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would tell people with medical jobs to report deaths to the state using an electronic system. (Flesch Readability Score: 61.6).

Requires medical certifiers and medical examiners to use the state electronic reporting system to report deaths to the Center for Health Statistics.

A BILL FOR AN ACT

1
2 Relating to reports of death; amending ORS 432.133.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 432.133 is amended to read:

5 432.133. (1)(a) A report of death for each death that occurs in this state must be submitted to
6 the county registrar of the county in which the death occurred or to the Center for Health Statis-
7 tics, or as otherwise directed by the State Registrar of the Center for Health Statistics, within five
8 calendar days after death or the finding of a dead body and before final disposition, and must be
9 registered if it has been completed and submitted in accordance with this section.

10 (b) If the place of death is unknown, but the dead body is found in this state, the report of death
11 must be completed and submitted in accordance with this section. The place where the body is found
12 must be noted as the place of death except, if in an emergency the decedent is moved by conveyance
13 to another county and is dead on arrival, the death shall be considered to have occurred in the
14 county from where the body was originally moved.

15 (c) When death occurs in a moving conveyance within or outside the United States and the body
16 is first removed from the conveyance in this state, the death must be registered in this state and the
17 place where the body is first removed shall be deemed the place of death. The report of death may
18 note the actual location of death insofar as it can be determined.

19 (d) In all other cases, the place where death is pronounced shall be considered the place where
20 death occurred.

21 (e) If the date of death is unknown, the medical certifier shall determine the date by approxi-
22 mation. If the date cannot be determined by approximation, the date that the body was found shall
23 be entered on the report of death.

24 (2)(a) The funeral service practitioner or person acting as a funeral service practitioner who
25 first assumes custody of the dead body shall submit the report of death to the county registrar of
26 the county in which the death occurred or to the Center for Health Statistics. In cases where there
27 is no funeral service practitioner or person acting as a funeral service practitioner, the medical
28 examiner shall submit the report of death **through the state electronic reporting system**.

29 (b) The funeral service practitioner or person acting as the funeral service practitioner shall
30 obtain the personal data from the next of kin or the best qualified person or source available and

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 shall obtain the medical certification from the person responsible for the medical certification.

2 (c) The funeral service practitioner or person acting as the funeral service practitioner shall
3 provide sufficient information to identify the decedent to the medical certifier within 48 hours after
4 death unless the medical certification has already been submitted.

5 (3) A medical certification shall be completed **through the state electronic reporting system**
6 within 48 hours after having access to the report of death by the decedent's primary or attending
7 medical certifier who was in charge of the care of the patient for the illness or condition that re-
8 sulted in death, except when inquiry is required under ORS chapter 146. In the absence or inability
9 of the medical certifier, or with the medical certifier's approval, the report of death may be com-
10 pleted **through the state electronic reporting system** by an associate of the medical certifier, the
11 chief medical officer of the institution where death occurred or the physician who performed an
12 autopsy upon the decedent, provided that the associate, chief medical officer or physician has access
13 to the medical history of the case and death is due to natural causes. The person completing the
14 cause of death shall attest to its accuracy [*either by signature or*] by electronic signature.

15 (4) When inquiry is required under ORS chapter 146, the medical examiner in the jurisdiction
16 where death occurred or the body was found shall determine the cause and manner of death and
17 shall **use the state electronic reporting system to** complete and sign the medical certification
18 within 48 hours after taking charge of the case. If the cause or manner of death is unknown or
19 pending investigation, the cause or manner of death shall be noted as such on the report of death.

20 (5) When the death occurs in a hospital where more than 10 deaths occurred during the previous
21 calendar year, the person in charge of the hospital shall require the medical certification to be re-
22 ported through the state electronic reporting system and the report of death to include the elec-
23 tronic signature of the medical certifier.

24 (6)(a) When a death occurs in a hospital described in subsection (5) of this section and the death
25 is not under the jurisdiction of a medical examiner, the person in charge of the hospital or the
26 designated representative of the person in charge of the hospital shall enter the following informa-
27 tion on the report of death within 48 hours of death:

28 (A) If the report of death does not exist in the state electronic reporting system, the name of
29 the decedent, the date of the decedent's birth, the date of the decedent's death and the county in
30 which the decedent died; and

31 (B) The medical certification of death, accompanied by the [*signature or*] electronic signature
32 of the person completing the cause of death as described in subsection (3) of this section.

33 (b) The partially completed report of death prepared under this subsection shall be made avail-
34 able to the funeral service practitioner or person acting as a funeral service practitioner within 48
35 hours of death.

36 (7) Upon receipt of autopsy results or other information that would change the information re-
37 lated to the cause or manner of death, a medical certifier or medical examiner shall **use the state**
38 **electronic reporting system to** submit an amendment to the record of death within five calendar
39 days to the Center for Health Statistics.

40 (8) When a death that is not the subject of a presumptive death proceeding in a court in this
41 state or another state is presumed to have occurred in this state as the result of a known event in
42 this state, but no remains of the presumed deceased can be located, a report of death may be pre-
43 pared by the Chief Medical Examiner upon receiving an order from a court of competent jurisdiction
44 that contains findings of fact necessary to complete the report of death. A report of death prepared
45 under this subsection [*shall*] **must be submitted through the state electronic reporting system,**

1 be marked or flagged “Presumptive” and [must] show on its face the date of death as determined
 2 by the court, the date of registration, the identity of the court and the date of the order.

3 (9) When a death of a missing person domiciled in this state, and that is not the subject of a
 4 presumptive death proceeding in a court of this state or another state, has been determined by a
 5 court of competent jurisdiction to have presumptively occurred in another state, a report of death
 6 may be prepared by the Chief Medical Examiner upon receiving an order from the court that con-
 7 tains findings of fact necessary to complete the report of death. A report of death prepared under
 8 this subsection [shall] **must be submitted through the state electronic reporting system**, be
 9 marked or flagged “Presumptive” and [must] show on its face the date of death as determined by the
 10 court, the date of registration, the identity of the court and the date of the order.

11 (10) When a death occurring in this state has not been registered as prescribed by this section,
 12 a report of death may be submitted to the state registrar as described in this section provided that
 13 the medical certifier or medical examiner and the funeral service practitioner or person acting as
 14 a funeral service practitioner are available to complete the report of death. If the report of death
 15 is submitted more than one year after the date of death or the date on which the body was found,
 16 the medical certifier or medical examiner and funeral service practitioner or person acting as a fu-
 17 neral service practitioner shall state in accompanying notarized statements that the information
 18 submitted is based on records kept in the files of the medical certifier or medical examiner and fu-
 19 neral service practitioner or person acting as a funeral service practitioner. If the medical certifier
 20 or medical examiner and funeral service practitioner or person acting as a funeral service practi-
 21 tioner are unavailable to complete the report of death, or decline to complete the report death, then
 22 the death shall not be registered except upon the receipt of an order from a court of competent ju-
 23 risdiction. **A medical certifier or medical examiner that submits a report of death under this**
 24 **subsection shall use the state electronic reporting system.**

25 (11) A report of death required to be submitted under this section must contain the Social Se-
 26 curity number of the decedent when the Social Security number is reasonably available from other
 27 records related to the decedent or can be obtained from the person in charge of the final disposition
 28 of the decedent.

29 (12) For a decedent who was homeless at the time of death, including a decedent who was
 30 homeless but receiving care at a hospital or other institution, a report of death required to be sub-
 31 mitted under this section must indicate that the decedent’s residence address was “Domicile Un-
 32 known.”

33 (13) If a decedent’s death was caused by suicide, the person who submits the report of death to
 34 the county registrar or to the Center for Health Statistics, or as otherwise directed by the state
 35 registrar, shall make reasonable efforts to ascertain whether the decedent was a veteran and, if the
 36 decedent was a veteran, whether the decedent served in combat and, if so, where the decedent
 37 served. Information acquired under this subsection must be reported to the Center for Health Sta-
 38 tistics through the state electronic reporting system.