

A-Engrossed
House Bill 3127

Ordered by the House February 24
Including House Amendments dated February 24

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would tell people to report deaths to the state using an electronic system. (Flesch Readability Score: 67.5).

[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 **of** 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 146.095, 247.570 and 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*] **through the state electronic re-**
7 **porting system** to the Center for Health Statistics, or as otherwise directed by the State Registrar
8 of the Center for Health Statistics, within five calendar days after death or the finding of a dead
9 body and before final disposition, and must be registered if it has been completed and submitted in
10 accordance with this section.

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

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

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

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

25 (2)(a) The funeral service practitioner or person acting as a funeral service practitioner who
26 first assumes custody of the dead body shall submit the report of death [*to the county registrar of the*

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 *county in which the death occurred or*] to the Center for Health Statistics, **or as otherwise directed**
2 **by the state registrar.** In cases where there is no funeral service practitioner or person acting as
3 a funeral service practitioner, the medical examiner shall submit the report of death.

4 (b) The funeral service practitioner or person acting as the funeral service practitioner shall
5 obtain the personal data from the next of kin or the best qualified person or source available and
6 shall obtain the medical certification from the person responsible for the medical certification.

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

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

19 (4) When inquiry is required under ORS chapter 146, the medical examiner in the jurisdiction
20 where death occurred or the body was found shall determine the cause and manner of death and
21 shall complete and sign the medical certification within 48 hours after taking charge of the case. If
22 the cause or manner of death is unknown or pending investigation, the cause or manner of death
23 shall be noted as such on the report of death.

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

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

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

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

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

40 (7) Upon receipt of autopsy results or other information that would change the information re-
41 lated to the cause or manner of death, a medical certifier or medical examiner shall submit an
42 amendment to the record of death within five calendar days to the Center for Health Statistics.

43 (8) When a death that is not the subject of a presumptive death proceeding in a court in this
44 state or another state is presumed to have occurred in this state as the result of a known event in
45 this state, but no remains of the presumed deceased can be located, a report of death may be pre-

1 pared by the Chief Medical Examiner upon receiving an order from a court of competent jurisdiction
 2 that contains findings of fact necessary to complete the report of death. A report of death prepared
 3 under this subsection [*shall*] **must** be marked or flagged “Presumptive” and [*must*] show on its face
 4 the date of death as determined by the court, the date of registration, the identity of the court and
 5 the date of the order.

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

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

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

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

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

41 **SECTION 2.** ORS 146.095 is amended to read:

42 146.095. (1) The district medical examiner and the district attorney for the county where death
 43 occurs, as provided by ORS 146.100 (2), shall be responsible for the investigation of all deaths re-
 44 quiring investigation.

45 (2) The medical examiner shall certify the manner and the cause of all deaths which the medical

1 examiner is required to investigate. The report of death shall be submitted to [*a county registrar*]
2 **the State Registrar of the Center of Health Statistics** as required by ORS 432.133.

3 (3) The medical examiner shall make a report of death investigation to the Chief Medical Ex-
4 aminer as soon as possible after being notified of a death requiring investigation.

5 (4) Within five days after notification of a death requiring investigation, the medical examiner
6 shall make a written report of the investigation and file it in the district medical examiner's office.

7 (5) The district medical examiner shall supervise the assistant district medical examiners and
8 medical-legal death investigators in cooperation with the district attorney.

9 (6) The district medical examiner shall regularly conduct administrative training programs for
10 the assistant district medical examiners, medical-legal death investigators and law enforcement
11 agencies.

12 **SECTION 3.** ORS 247.570 is amended to read:

13 247.570. (1) Not later than five business days after receiving a report of death **as authorized**
14 **by the State Registrar of the Center for Health Statistics** under ORS 432.133, a county registrar
15 designated under ORS 432.035 shall furnish to the county clerk of that county the name, age, date
16 of birth and residence address of the person for whom the registrar has received the report of death.
17 If the person was registered to vote in the county, the county clerk immediately shall cancel the
18 registration of the person.

19 (2) Not later than five business days after receiving information from the county registrar under
20 subsection (1) of this section, the county clerk shall furnish the information to the Secretary of
21 State. The Secretary of State shall furnish a copy of the appropriate names received under this
22 subsection to each county clerk. Each county clerk immediately shall cancel the registrations of
23 those persons.

24 (3) The Oregon Health Authority, during the last week of each month, shall furnish to the Sec-
25 retary of State a list of the name, age, date of birth, county of residence and residence address of
26 each resident of this state who has died during the preceding month and for whom a report of death
27 was not submitted to a county registrar. The Secretary of State shall furnish a copy of the appro-
28 priate names to each county clerk. Each county clerk immediately shall cancel registrations of those
29 persons.

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