

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: H4/1/19

# A Bill

HOUSE BILL 1815

5 By: Representatives Perry, Capp, V. Flowers, Richardson  
6 By: Senators G. Leding, D. Wallace  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE DEATH CERTIFICATE REGISTRATION  
10 PROCESS FOR THE SIGNATURE OF THE MEDICAL CERTIFICATE  
11 OF DEATH; AND FOR OTHER PURPOSES.  
12  
13

### Subtitle

15 TO AMEND THE DEATH CERTIFICATE  
16 REGISTRATION PROCESS FOR THE SIGNATURE OF  
17 THE MEDICAL CERTIFICATE OF DEATH.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 20-18-601(c)-(f), as amended by Acts 2019,  
23 No. 315, concerning death certification registration and the medical  
24 certification of death, is amended to read as follows:

25 (c)(1)(A)(i) The medical certification shall be completed, signed, and  
26 returned to the funeral director within ~~two (2)~~ three (3) business days after  
27 receipt of the death certificate by the physician in charge of the patient's  
28 care for the illness or condition that resulted in death, except when inquiry  
29 is required by § 12-12-315, § 12-12-318, or § 14-15-301 et seq.

30 (ii) Except as provided in subsection (i) of this section,  
31 a medical certification shall be completed using the electronic process or  
32 system designated by the division.

33 (B)(i) In the absence of the physician or with his or her  
34 approval, the certificate may be completed and signed by his or her associate  
35 physician, by the chief medical officer of the institution in which death  
36 occurred, by the pathologist who performed an autopsy upon the decedent, or



1 by a registered nurse as provided in this subsection, if the individual has  
2 access to the medical history of the case and has reviewed the coroner's  
3 report, if required, and if the death is due to natural causes.

4 (ii) The individual completing the cause-of-death  
5 section of the certificate shall attest to its accuracy *either by a signature*  
6 as authorized under subsection (i) of this section or by approved electronic  
7 process.

8 (2)(A) The Arkansas State Medical Board shall enforce by rule  
9 subdivision (c)(1) of this section concerning the time period in which the  
10 medical certification shall be executed.

11 (B)(i) If a physician refuses or otherwise fails to  
12 complete, sign, and return the medical certification to the funeral director  
13 within three (3) business days as required by subdivision (c)(1) of this  
14 section, the funeral director may notify the board of the failure to  
15 complete, sign, or return the medical certification within three (3) business  
16 days as required by subdivision (c)(1) of this section.

17 (ii) The board shall assess against a physician  
18 described in subdivision (c)(2)(B)(i) of this section a fine not to exceed  
19 two hundred fifty dollars (\$250) unless the physician shows good cause for  
20 the refusal or failure.

21 (3) A registered nurse employed by the attending hospice may  
22 complete and sign the medical certification of death and pronounce death for  
23 a patient who is terminally ill, whose death is anticipated, who is receiving  
24 services from a hospice program certified under § 20-7-117, and who dies in a  
25 hospice inpatient program or as a hospice patient in a nursing home or  
26 hospital.

27 (4)(A) If the hospice patient dies in the home, the registered  
28 nurse may make pronouncement of death.

29 (B) However, the coroner and the chief law enforcement  
30 official of the county or municipality where death occurred shall be  
31 immediately notified in accordance with § 12-12-315.

32 (5)(A) The Department of Health shall provide hospitals, nursing  
33 homes, and hospices with the appropriate death certificate forms, which will  
34 *be made available to the certifier of death* through an approved electronic  
35 process or system or another process designated by the division under  
36 subsection (i) of this section.

1                    (B) When death occurs outside these health facilities, the  
2 funeral home shall provide the death certificate to the certifier of death  
3 through an approved electronic process or system or another process  
4 designated by the division under subsection (i) of this section.

5            (d)(1) If the cause of death appears to be other than the illness or  
6 condition for which the deceased was being treated or if inquiry is required  
7 by either of the laws referred to in subsection (c) of this section, the case  
8 shall be referred to the office of the State Medical Examiner or coroner in  
9 the jurisdiction where the death occurred or the body was found for  
10 investigation to determine and certify the cause of death through an approved  
11 electronic process or system or another process designated by the division  
12 under subsection (i) of this section.

13            (2) If the State Medical Examiner or county coroner determines  
14 that the case does not fall within his or her jurisdiction, he or she shall  
15 within twenty-four (24) hours refer the case back to the physician for  
16 completion of the medical certification.

17            (e)(1) When inquiry is required by either of the laws referred to in  
18 subsection (c) of this section, the State Medical Examiner or coroner in the  
19 jurisdiction where the death occurred or the body was found shall determine  
20 the cause of death and shall complete and sign the medical certification  
21 within forty-eight (48) hours after taking charge of the case.

22            (2) A medical certification completed and signed by the State  
23 Medical Examiner or coroner shall be completed using an approved electronic  
24 process or system or another process designated by the division under  
25 subsection (i) of this section.

26            (f)(1) ~~If the cause of death cannot be determined within forty-eight~~  
27 ~~(48) hours after death~~ the time periods under subsections (c) or (e) of this  
28 section, the medical certification shall be completed as provided by rule.

29            (2) The attending physician, State Medical Examiner, or county  
30 coroner shall give the funeral director or person acting as the funeral  
31 director notice of the reason for the delay, and final disposition of the  
32 dead body shall not be made until authorized by the attending physician or  
33 State Medical Examiner or county coroner.

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35            SECTION 2. Arkansas Code § 20-18-601, concerning death certification  
36 registration and the medical certification of death, is amended to add an

1 additional subsection to read as follows:

2 (i)(1) Upon request, the department may grant a waiver from the  
3 requirement of subdivision (c)(1)(A)(ii) of this section that a medical  
4 certification be completed using an electronic process or system if a person  
5 requesting the waiver:

6 (A) Lacks reliable internet connectivity sufficient to  
7 ensure access and secure submission to the electronic system;

8 (B) Has not received requested training or technical  
9 assistance from the division on the use of the system and correct submission  
10 procedure;

11 (C) Regularly signs fewer than five (5) medical  
12 certifications per month; or

13 (D) Shows other good cause for a waiver as determined by  
14 the department in its discretion.

15 (2) A physician who is granted a waiver under subdivision (i)(1)  
16 of this section:

17 (A) Shall not be fined under subsection (c)(2)(B) of this  
18 section for failure to submit medical certification using an electronic  
19 process or system; and

20 (B) Is liable for failure to submit a medical  
21 certification in a timely manner under subdivision (c)(1)(A)(i) of this  
22 section.

23  
24 /s/Perry

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27 APPROVED: 4/12/19