

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1288 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/18/09

A Bill

HOUSE BILL 1603

5 By: Representative Shelby
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8 **For An Act To Be Entitled**

9 AN ACT TO IMPROVE THE INVESTIGATION AND
10 CERTIFICATION OF DEATH IN ARKANSAS; AND FOR OTHER
11 PURPOSES.
12

13 **Subtitle**

14 TO IMPROVE THE INVESTIGATION AND
15 CERTIFICATION OF DEATH IN ARKANSAS.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 14-15-302 is amended to read as follows:

21 14-15-302. Coroner's investigation.

22 (a) A coroner's investigation does not include criminal investigation
23 responsibilities. However, the coroner shall assist any law enforcement
24 agency or the State Crime Laboratory upon request.

25 (b)(1) ~~Coroners~~ A coroner shall be given access to all death scenes in
26 order to perform the duties set forth in this subchapter.

27 (2) A coroner ~~is authorized to~~ may issue subpoenas as necessary
28 to secure pertinent medical or other records and testimony relevant to the
29 determination of the cause and manner of death.

30 (c)(1) ~~The coroners and their deputies~~ A coroner or his or her deputy
31 who ~~have~~ has received instruction and have been deemed qualified by the State
32 Crime Laboratory to take and handle toxicological samples from dead human
33 bodies ~~are authorized to~~ may do so for the purpose of determining the
34 presence of chemical agents that may have contributed to the cause of death.

35 (2) Toxicological samples may be taken from dead human bodies in



1 those cases ~~where~~ in which the coroner is required by law to conduct an
 2 investigation.

3 (d)(1) ~~No~~ A person, institution, or office in this state ~~who shall~~
 4 ~~make that makes~~ available information or material under this section ~~shall be~~
 5 is not criminally liable ~~for violating any criminal law of this state, nor~~
 6 ~~shall any.~~

7 (2) A person, institution, or office in this state is not be
 8 ~~held~~ liable in tort for compliance with this section.

9 (e)(1) A preliminary written report of the coroner's investigation
 10 shall be completed within five (5) working days and shall include a
 11 pronouncement of death. If indicated, a subsequent report shall be completed.

12 (2) If the death occurred without medical attendance or was the
 13 result of a homicide, an accident, or a suicide, then the preliminary written
 14 report shall include without limitation the following information regarding
 15 the decedent:

16 (A) Name;

17 (B) ~~Age~~ Date of birth or approximate age if unknown;

18 (C) Sex;

19 (D) Social security number if available;

20 (E) Home address;

21 (F) Location where the body was discovered;

22 (G) Time of death or approximate time if unknown;

23 (H) Condition of the body, including any recent trauma,
 24 body temperature, and position;

25 (I) Any prescribed medications;

26 (J) Pertinent medical history;

27 (K) Cause and manner of death;

28 (L) Photographs or information where photographs may be
 29 accessed in cases of non-natural deaths and deaths of persons under eighteen
 30 (18) years of age;

31 (M) List of all other governmental entities investigating
 32 the death; and

33 (N) Disposition of the body.

34 (3) Nothing in this section shall limit or otherwise restrict
 35 the exercise of professional judgment or discretion by a coroner or prohibit
 36 access to information or testimony necessary to complete a coroner's

1 investigation.

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3 SECTION 2. *Arkansas Code § 20-18-601(c), concerning the medical*
4 *certification*, is amended to read as follows:

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

10 ~~(2)(B)~~ In the absence of the physician, or with his or her
11 approval, the certificate may be completed and signed by his or her associate
12 physician, by the chief medical officer of the institution in which death
13 occurred, by the pathologist who performed an autopsy upon the decedent, or
14 by a registered nurse as provided in this subsection (c)(2) ~~of this section,~~
15 ~~provided if~~ the individual has access to the medical history of the case,
16 ~~views the deceased at or after death, and has reviewed the coroner's report~~
17 if required and if the death is due to natural causes. The ~~person~~ individual
18 completing the cause-of-death section of the certificate shall attest to its
19 accuracy either by a signature or by approved electronic process.

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

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

28 (4) If the hospice patient dies in the home, the registered
29 nurse may make pronouncement of death. However, the ~~county~~ coroner and the
30 chief law enforcement official of the county or municipality where death
31 occurred shall be immediately notified in accordance with § 12-12-315.

32 (5) 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 ~~attending physicians, coroners, or other certifiers~~
35 certifier of death. When death occurs outside these health facilities, the
36 funeral home shall provide the death certificate to the certifier of death.

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/s/ Shelby

APPROVED: 4/9/2009