For An Act To Be Entitled
AN ACT TO AMEND THE DEATH CERTIFICATE REGISTRATION PROCESS FOR THE SIGNATURE OF THE MEDICAL CERTIFICATE OF DEATH; AND FOR OTHER PURPOSES.

Subtitle
TO AMEND THE DEATH CERTIFICATE REGISTRATION PROCESS FOR THE SIGNATURE OF THE MEDICAL CERTIFICATE OF DEATH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-18-601(c)-(f), as amended by Acts 2019, No. 315, concerning death certification registration and the medical certification of death, is amended to read as follows:

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

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

(B)(i) In the absence of the physician or with his or her approval, the certificate may be completed and signed by his or her associate physician, by the chief medical officer of the institution in which death occurred, by the pathologist who performed an autopsy upon the decedent, or...
by a registered nurse as provided in this subsection, if the individual has
access to the medical history of the case and has reviewed the coroner's
report if required, and if the death is due to natural causes.

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

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

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

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

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

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

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

(5)(A) The Department of Health shall provide hospitals, nursing
homes, and hospices with the appropriate death certificate forms, which will
be made available to the certifier of death through an approved electronic
process or system or another process designated by the division under
subsection (i) of this section.
(B) When death occurs outside these health facilities, the
funeral home shall provide the death certificate to the certifier of death
through an approved electronic process or system or another process
designated by the division under subsection (i) of this section.

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

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

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

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

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

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

registration and the medical certification of death, is amended to add an
additional subsection to read as follows:

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

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

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

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

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

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

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

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

/s/Perry

APPROVED: 4/12/19