

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Senators Scott and Keet

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A Bill

SENATE BILL

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For An Act To Be Entitled

8 *"AN ACT TO AMEND ARKANSAS CODE 20-18-601 PERTAINING TO THE*
9 *REGISTRATION OF DEATH CERTIFICATES; TO AMEND ARKANSAS CODE*
10 *12-12-315 RELATING TO NOTIFICATION OF THE COUNTY CORONER*
11 *AND CHIEF LAW ENFORCEMENT OFFICER OF CERTAIN DEATHS; AND*
12 *FOR OTHER PURPOSES."*

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Subtitle

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"CERTIFICATES AND ARKANSAS CODE 12-12-
315 RELATING TO NOTIFICATION OF CORONER
AND CHIEF LAW ENFORCEMENT OFFICER OF
CERTAIN DEATHS."

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

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SECTION 1. Arkansas Code 20-18-601 is amended to read as follows:

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"20-18-601. Registration generally.

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(a) A death certificate for each death which occurs in this state shall be filed with the Division of Vital Records or as otherwise directed by the state registrar within ten (10) days after death or as prescribed by regulations of the board. It shall be registered if it has been completed and filed in accordance with this section.

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(1) If the place of death is unknown but the body is found in this state, the death certificate shall be completed and filed in accordance with this section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation.

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(2) When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where it is first removed shall be

1 considered the place of death. When a death occurs on a moving conveyance
2 while in international waters or air space or in a foreign country and the
3 body is first removed from the conveyance in this state, the death shall be
4 registered in this state but the certificate shall show the actual place of
5 death insofar as can be determined.

6 (b) The funeral director or person acting as such who first assumes
7 custody of the dead body shall file the death certificate. He shall obtain
8 the personal data from the next of kin or the best qualified person or source
9 available and shall obtain the medical certification from the person
10 responsible therefor, as set forth below.

11 (c) *The medical certification shall be completed, signed, and returned*
12 *to the funeral director within two (2) business days after receipt of the*
13 *death certificate by the physician in charge of the patient's care for the*
14 *illness or condition which resulted in death, except when inquiry is required*
15 *by § 12-12-315 or § 12-12-318.*

16 (1) *In the absence of the physician, or with his approval, the*
17 *certificate may be completed and signed by his associate physician, the chief*
18 *medical officer of the institution in which death occurred, by the*
19 *pathologist who performed an autopsy upon the decedent, or by a registered*
20 *nurse as provided in subdivision (c)(2), provided the individual has access*
21 *to the medical history of the case, views the deceased at or after death, and*
22 *death is due to natural causes.*

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

28 (3) *In the event the hospice patient dies in the home, the*
29 *registered nurse may make pronouncement of death, however the county coroner*
30 *and the chief law enforcement official of the county or municipality where*
31 *death occurred must be immediately notified in accordance with Ark. Code*
32 *Annotated, 12-12-315.*

33 (4) *The Arkansas Department of Health shall provide hospitals,*
34 *nursing homes and hospices with the appropriate death certificate forms which*
35 *will be made available to the attending physicians, coroners or other*

1 *certifiers of death. When death occurs outside these health facilities, the*
2 *funeral home will provide the death certificate to the certifier.*

3 (d) If the cause of death appears to be other than the illness or
4 condition for which the deceased was being treated or if inquiry is required
5 by either of the laws referred to in subsection (c) above, the case shall be
6 referred to the Office of State Medical Examiner or county coroner for
7 investigation to determine and certify the cause of death. If the state
8 medical examiner or county coroner determines that the case does not fall
9 within his jurisdiction, he shall within twenty-four (24) hours refer the
10 case back to the physician for completion of the medical certification.

11 (e) When inquiry is required by either of the laws referred to in
12 subsection (c) above, the state medical examiner or county coroner shall
13 determine the cause of death and shall complete and sign the medical
14 certification within forty-eight (48) hours after taking charge of the case.

15 (f) If the cause of death cannot be determined within forty-eight (48)
16 hours after death, the medical certification shall be completed as provided
17 by regulation. The attending physician or state medical examiner or county
18 coroner shall give the funeral director, or person acting as such, notice of
19 the reason for the delay, and final disposition of the body shall not be made
20 until authorized by the attending physician or state medical examiner or
21 county coroner.

22 (g) When a death is presumed to have occurred within this state but
23 the body cannot be located, a death certificate may be prepared by the state
24 registrar upon receipt of an order of a court of competent jurisdiction,
25 which shall include the finding of facts required to complete the death
26 certificate. Such a death certificate shall be marked Presumptive and shall
27 show on its face the date of registration and shall identify the court and
28 the date of the decree."

29 *SECTION 2. Arkansas Code 12-12-315 is amended to read as follows:*

30 *"12-12-315. Notification of certain deaths.*

31 *(a)(1) The county coroner and the chief law enforcement official of*
32 *the county and municipality in which the death of a human being occurs shall*
33 *be promptly notified by any physician, law enforcement officer, undertaker or*
34 *embalmer, jailer or correction officer, or coroner, or by any other person*
35 *present or with knowledge of the death, if:*

1 (A) The death appears to be caused by violence or appears to be the
2 result of a homicide or a suicide or to be accidental;

3 (B) The death appears to be the result of the presence of drugs or
4 poisons in the body;

5 (C) The death appears to be a result of a motor vehicle accident, or
6 the body was found in or near a roadway or railroad;

7 (D) The death appears to be a result of a motor vehicle accident and
8 there is no obvious trauma to the body;

9 (E) The death occurs while the person is in a state mental institution
10 or hospital and there is no previous medical history to explain the death, or
11 while the person is in police custody, a jail, or penal institution;

12 (F) The death appears to be the result of a fire or explosion;

13 (G) The death of a minor child appears to indicate child abuse prior
14 to death;

15 (H) Human skeletal remains are recovered;

16 (I) Postmortem decomposition exists to the extent that an external
17 examination of the corpse cannot rule out injury, or where the circumstances
18 of death cannot rule out the commission of a crime;

19 (J) The death appears to be the result of drowning;

20 (K) The death is of an infant or minor child in cases where there is
21 no previous medical history to explain the death;

22 (L) The manner of death appears to be other than natural;

23 (M) The death is sudden and unexplained;

24 (N) The death occurs at a work site;

25 (O) The death is due to a criminal abortion;

26 (P) The death is of a person where a physician was not in attendance
27 within thirty-six (36) hours preceding death, or, in prediagnosed terminal or
28 bedfast cases, within thirty (30) days;

29 (Q) A person is admitted to a hospital emergency room unconscious and
30 is unresponsive, with cardiopulmonary resuscitative measures being performed,
31 and dies within twenty-four (24) hours of admission without regaining
32 consciousness or responsiveness, unless a physician was in attendance within
33 thirty-six (36) hours preceding presentation to the hospital, or, in cases in
34 which the decedent had a prediagnosed terminal or bedfast condition, unless a
35 physician was in attendance within thirty (30) days preceding presentation to

1 *the hospital; or*

2 *(R) The death occurs in the home.*

3 *(2) Nothing in this section shall be construed to require an*
4 *investigation, autopsy, or inquest in any case where death occurred without*
5 *medical attendance solely because the deceased was under treatment by prayer*
6 *or spiritual means in accordance with the tenets and practices of a*
7 *well-recognized church or religious denomination.*

8 *(b) A violation of the provisions of this section is a Class A*
9 *misdemeanor."*

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11 SECTION 3. All provisions of this act of a general and permanent
12 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
13 Code Revision Commission shall incorporate the same in the Code.

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15 SECTION 4. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

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21 SECTION 5. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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24 */s/Scott*

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