

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.

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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## 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

### 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  
36 those cases ~~where~~ in which the coroner is required by law to conduct an



1 investigation.

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

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

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

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

15 (A) Name;

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

17 (C) Sex;

18 (D) Social security number if available;

19 (E) Home address;

20 (F) Location where the body was discovered;

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

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

24 (I) Any prescribed medications;

25 (J) Pertinent medical history;

26 (K) Cause and manner of death;

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

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

32 (N) Disposition of the body.

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

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

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

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

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

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

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

31 (5) The Department of Health shall provide hospitals, nursing  
32 homes, and hospices with the appropriate death certificate forms, which will  
33 be made available to the ~~attending physicians, coroners, or other certifiers~~  
34 certifier of death. When death occurs outside these health facilities, the  
35 funeral home shall provide the death certificate to the certifier of death.  
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*/s/ Shelby*