

1 State of Arkansas

2 92nd General Assembly

3 Regular Session, 2019

A Bill

HOUSE BILL 1815

5 By: Representatives Perry, Capp, V. Flowers, Richardson

6 By: Senators G. Leding, D. Wallace

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.

Subtitle

15 TO AMEND THE DEATH CERTIFICATE
16 REGISTRATION PROCESS FOR THE SIGNATURE OF
17 THE MEDICAL CERTIFICATE OF DEATH.

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

22 SECTION 1. Arkansas Code § 20-18-601(c)-(e), concerning death
23 certification registration and the medical certification of death, is amended
24 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) business days after receipt
27 of the death certificate by the physician in charge of the patient's care for
28 the illness or condition that resulted in death, except when inquiry is
29 required by § 12-12-315, § 12-12-318, or § 14-15-301 et seq.

30 (ii) A medical certification shall be completed using the
31 electronic process or system designated by the division.

32 (B)(i) In the absence of the physician or with his or her
33 approval, the certificate may be completed and signed by his or her associate
34 physician, by the chief medical officer of the institution in which death
35 occurred, by the pathologist who performed an autopsy upon the decedent, or
36 by a registered nurse as provided in this subsection, if the individual has



1 access to the medical history of the case and has reviewed the coroner's
2 report, if required, and if the death is due to natural causes.

3 (ii) The individual completing the cause-of-death
4 section of the certificate shall attest to its accuracy ~~either by a signature~~
5 ~~or~~ by approved electronic process.

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

9 (B)(i) If a physician refuses or otherwise fails to
10 complete, sign, and return the medical certification to the funeral director
11 within two (2) business days as required by subdivision (c)(1) of this
12 section, the funeral director may notify the board of the failure to
13 complete, sign, or return the medical certification within two (2) business
14 days as required by subdivision (c)(1) of this section.

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

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

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

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

30 (5)(A) The Department of Health shall provide hospitals, nursing
31 homes, and hospices with the appropriate death certificate forms, which will
32 be made available to the certifier of death through the electronic process or
33 system designated by the division.

34 (B) When death occurs outside these health facilities, the
35 funeral home shall provide the death certificate to the certifier of death
36 through electronic process or system designated by the division.

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

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

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

17 (2) A medical certification completed and signed by the State
18 Medical Examiner or coroner shall be completed using the electronic process
19 or system designated by the division.