

13101907D

## HOUSE BILL NO. 1796

Offered January 9, 2013

Prefiled January 8, 2013

A BILL to amend and reenact §§ 32.1-263 and 54.1-2912.1 of the Code of Virginia, relating to death certificate; timely return to funeral director.

Patrons—Cosgrove and Head

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-263 and 54.1-2912.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 32.1-263. Filing death certificates; medical certification; investigation by medical examiner.**

A. A death certificate, including, if known, the social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342 of the deceased, shall be filed for each death which occurs in this Commonwealth with the registrar of the district in which the death occurred within three days after such death and prior to final disposition or removal of the body from the Commonwealth, and shall be registered by such registrar if it has been completed and filed in accordance with the following requirements:

1. If the place of death is unknown, but the dead body is found in this Commonwealth, a death certificate shall be filed in the registration district in which the dead body is found in accordance with this section. The place where the dead body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation, taking into consideration all relevant information, including but not limited to, information provided by the immediate family regarding the date and time that the deceased was last seen alive, if the individual died in his home; and

2. When death occurs in a moving conveyance, in the United States of America and the body is first removed from the conveyance in this Commonwealth, the death shall be registered in this Commonwealth and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this Commonwealth, the death shall be registered in this Commonwealth but the certificate shall show the actual place of death insofar as can be determined.

B. The licensed funeral director, funeral service licensee, office of the state anatomical program, or next of kin as defined in § 54.1-2800 who first assumes custody of a dead body shall file the certificate of death with the registrar. He shall obtain the personal data, including the social security number of the deceased or control number issued to the deceased by the Department of Motor Vehicles pursuant to § 46.2-342, from the next of kin or the best qualified person or source available and obtain the medical certification from the person responsible therefor.

C. The medical certification shall be completed, signed in black or dark blue ink, and returned to the funeral director within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when inquiry or investigation by a medical examiner is required by § 32.1-283 or 32.1-285.1, or by the physician that pronounces death pursuant to § 54.1-2972.

In the absence of such physician or with his approval, the certificate may be completed and signed by another physician employed or engaged by the same professional practice, a physician assistant supervised by such physician, a nurse practitioner practicing as part of a patient care team as defined in § 54.1-2900 with such physician, the chief medical officer of the institution in which death occurred, a physician specializing in the delivery of health care to hospitalized or emergency department patients who is employed by or engaged by the facility where the death occurred, or the physician who performed an autopsy upon the decedent, if such individual has access to the medical history of the case and death is due to natural causes.

D. Failure of the physician in charge of the patient's care or the physician who pronounces death to complete, sign, and return the medical certification to the funeral director within 24 hours or to cause the medical certification to be returned to the funeral director within 24 hours after death by another physician, a physician assistant, a nurse practitioner, or the chief medical officer of the institution, as required pursuant to subsection C, shall be reported to the Board of Medicine by the funeral director, except in cases in which an inquiry or investigation by a medical examiner is required by § 32.1-283 or 32.1-285.1.

E. When inquiry or investigation by a medical examiner is required by § 32.1-283 or 32.1-285.1, the

INTRODUCED

HB1796

59 medical examiner shall investigate the cause of death and shall complete and sign the medical  
60 certification portion of the death certificate within 24 hours after being notified of the death. If the  
61 medical examiner refuses jurisdiction, the physician last furnishing medical care to the deceased shall  
62 prepare and sign the medical certification portion of the death certificate.

63 ~~E.~~ *F.* If the death is a natural death and a death certificate is being prepared pursuant to § 54.1-2972  
64 and the physician, nurse practitioner or physician assistant is uncertain about the cause of death, he shall  
65 use his best medical judgment to certify a reasonable cause of death or contact the health district  
66 physician director in the district where the death occurred to obtain guidance in reaching a determination  
67 as to a cause of death and document the same.

68 If the cause of death cannot be determined within 24 hours after death, the medical certification shall  
69 be completed as provided by regulations of the Board. The attending physician or medical examiner  
70 shall give the funeral director or person acting as such notice of the reason for the delay, and final  
71 disposition of the body shall not be made until authorized by the attending physician or medical  
72 examiner.

73 ~~F.~~ *G.* A physician, nurse practitioner or physician assistant who, in good faith, signs a certificate of  
74 death or determines the cause of death shall be immune from civil liability, only for such signature and  
75 determination of causes of death on such certificate, absent gross negligence or willful misconduct.

76 **§ 54.1-2912.1. Continued competency and office-based anesthesia requirements.**

77 A. The Board shall prescribe by regulation such requirements as may be necessary to ensure  
78 continued practitioner competence which may include continuing education, testing, and/or any other  
79 requirement.

80 B. In promulgating such regulations, the Board shall consider (i) the need to promote ethical practice,  
81 (ii) an appropriate standard of care, (iii) patient safety, (iv) application of new medical technology, (v)  
82 appropriate communication with patients, and (vi) knowledge of the changing health care system.

83 *C. Such regulations shall include a requirement for continuing education related to requirements for*  
84 *completion and return of medical certifications pursuant to § 32.1-263 for any practitioner who fails or*  
85 *refuses to complete a medical certification and return such certification to a funeral director within 24*  
86 *hours, upon the third or subsequent finding that such practitioner has knowingly and willfully failed or*  
87 *refused to return the certification as required.*

88 D. The Board may approve persons who provide or accredit such programs in order to accomplish  
89 the purposes of this section.

90 ~~D.~~ *E.* Pursuant to § 54.1-2400 and its authority to establish the qualifications for registration,  
91 certification or licensure that are necessary to ensure competence and integrity to engage in the regulated  
92 practice, the Board of Medicine shall promulgate regulations governing the practice of medicine related  
93 to the administration of anesthesia in physicians' offices.