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HOUSE BILL NO. 1802

Offered January 14, 2015

Prefiled January 13, 2015

A BILL to amend and reenact § 32.1-263 of the Code of Virginia and to amend the Code of Virginia by adding in Article 6 of Chapter 29 of Title 54.1 a section numbered 54.1-2973.1, relating to signing medical certification of death; penalties.

Patron—Villanueva

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-263 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 6 of Chapter 29 of Title 54.1 a section numbered 54.1-2973.1 as follows:

§ 32.1-263. Filing death certificates; medical certification; investigation by Office of the Chief 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 the Office of the Chief 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 the following: (i) another physician employed or engaged by the same professional practice; (ii) a physician assistant supervised by such physician; (iii) a nurse practitioner practicing as part of a patient care team as defined in § 54.1-2900; (iv) the chief medical officer or medical director, or his designee, of the institution, hospice, or nursing home in which death occurred; (v) 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; (vi) the physician who performed an autopsy upon the decedent; or (vii) an individual to whom the physician has delegated authority to complete and sign the certificate, if such individual has access to the medical history of the case and death is due to natural causes.

Any person who willfully fails, refuses, or neglects to complete the medical certification in accordance with this subsection shall be guilty of a Class 1 misdemeanor and shall be subject to the

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59 *provisions of § 32.1-27.*

60 D. When inquiry or investigation by the Office of the Chief Medical Examiner is required by
61 § 32.1-283 or 32.1-285.1, the Chief Medical Examiner shall cause an investigation of the cause of death
62 to be made and the medical certification portion of the death certificate to be completed and signed
63 within 24 hours after being notified of the death. If the Office of the Chief Medical Examiner refuses
64 jurisdiction, the physician last furnishing medical care to the deceased shall prepare and sign the medical
65 certification portion of the death certificate.

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

71 If the cause of death cannot be determined within 24 hours after death, the medical certification shall
72 be completed as provided by regulations of the Board. The attending physician or the Chief Medical
73 Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to
74 § 32.1-282 shall give the funeral director or person acting as such notice of the reason for the delay, and
75 final disposition of the body shall not be made until authorized by the attending physician, the Chief
76 Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to
77 § 32.1-282.

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

81 ***§ 54.1-2973.1. Medical certification of death; requirements; penalties.***

82 *Medical certifications of death shall be completed and signed, in accordance with the provisions of*
83 *§ 32.1-263, within 24 hours after the death by the physician in charge of the patient's care for the*
84 *illness or condition that resulted in death, the physician who pronounces death pursuant to § 54.1-2972,*
85 *or other individual specified in subsection C of § 32.1-263. Any licensee required to complete a medical*
86 *certification of death pursuant to subsection C of § 32.1-263 who willfully fails, refuses, or neglects to*
87 *complete the medical certification shall be guilty of a Class 1 misdemeanor and shall be subject to the*
88 *provisions of § 32.1-27.*