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**HOUSE BILL NO. 1158**

Offered January 10, 2018

Prefiled January 10, 2018

*A BILL to amend and reenact § 32.1-263 of the Code of Virginia, relating to death certificates; medical certification; electronic filing; hospice.*

Patrons—Wilt and Head

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:****1. That § 32.1-263 of the Code of Virginia is amended and reenacted 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 that occurs in the Commonwealth. Non-electronically filed death certificates shall be filed with the registrar of any district in the Commonwealth within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Electronically filed death certificates shall be filed with the State Registrar of Vital Records *through the Electronic Death Registration System* within three days after such death and prior to final disposition or removal of the body from the Commonwealth. Any death certificate 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 the Commonwealth, the death shall be registered in the Commonwealth and 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 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 the Commonwealth, the death shall be registered in the 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 the Commonwealth, the death shall be registered in the 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. *If the death occurred under the care of a hospice provider that provides services to recipients of medical assistance pursuant to the state plan for medical assistance, the medical certification shall be completed and filed with the State Registrar of Vital Records electronically through the Electronic Death Registration System within 24 hours of the death.*

In the absence of such physician or with his approval, the certificate may be completed and filed or 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.

D. When inquiry or investigation by the Office of the Chief Medical Examiner is required by

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59 § 32.1-283 or 32.1-285.1, the Chief Medical Examiner shall cause an investigation of the cause of death  
60 to be made and the medical certification portion of the death certificate to be completed and ~~signed~~*filed*  
61 within 24 hours after being notified of the death. If the Office of the Chief Medical Examiner refuses  
62 jurisdiction, the physician last furnishing medical care to the deceased shall prepare and sign the medical  
63 certification portion of the death certificate.

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

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

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