

4668

2013-2014 Regular Sessions

I N S E N A T E

April 17, 2013

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the establishment of an electronic death registration system

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The public health law is amended by adding a new section
2 4148 to read as follows:
3 S 4148. ELECTRONIC DEATH REGISTRATION SYSTEM. 1. LEGISLATIVE FINDINGS.
4 THE LEGISLATURE FINDS THAT IT IS NECESSARY TO UPDATE AND MODERNIZE THE
5 STATE'S SYSTEM OF FILNG AND MAINTAINING INFORMATION AND DOCUMENTS
6 RELATED TO THE REGISTRATION OF DEATH. AN ELECTRONIC DEATH REGISTRATION
7 SYSTEM WILL PROMOTE ACCURACY AND PROVIDE FOR MORE TIMELY TRANSMISSION OF
8 DOCUMENTATION, PROMOTING EFFICIENCY IN THE OPERATIONS OF THE DEPARTMENT,
9 WHICH OVERSEES THE DEATH REGISTRATION FILING PROCESS; LOCAL REGISTRARS,
10 WHICH ACCEPT AND FILE CERTIFICATES OF DEATH AND ISSUE BURIAL AND REMOVAL
11 PERMITS; HEALTH CARE INSTITUTIONS AND PRACTITIONERS, CORONERS AND
12 MEDICAL EXAMINERS, WHICH PREPARE CERTIFICATES OF DEATH; AND LICENSED
13 FUNERAL DIRECTORS AND UNDERTAKERS, WHO REQUIRE PROMPT ACCESS TO CERTIF-
14 ICATES OF DEATH TO CONDUCT BURIALS AND FUNERALS IN A TIMELY FASHION.
15 LICENSED FUNERAL DIRECTORS AND UNDERTAKERS HAVE EXPRESSED THEIR INTEREST
16 IN PARTNERING WITH THE DEPARTMENT TO SUPPORT THE ESTABLISHMENT AND MAIN-
17 TENANCE OF SUCH SYSTEM THROUGH A CONTRIBUTION, TENDERED FOR EACH BURIAL
18 AND REMOVAL PERMIT ISSUED TO A LICENSED FUNERAL DIRECTOR OR UNDERTAKER,
19 IN THE AMOUNT OF TWENTY DOLLARS.
20 2. THE DEPARTMENT IS HEREBY AUTHORIZED AND DIRECTED TO DESIGN, IMPL-
21 MENT AND MAINTAIN AN ELECTRONIC DEATH REGISTRATION SYSTEM FOR COLLECT-
22 ING, STORING, RECORDING, TRANSMITTING, AMENDING, CORRECTING AND AUTHEN-
23 TICATING INFORMATION, AS NECESSARY AND APPROPRIATE TO COMPLETE A DEATH
24 REGISTRATION, AND TO GENERATE SUCH DOCUMENTS AS DETERMINED BY THE
25 DEPARTMENT IN RELATION TO A DEATH OCCURRING IN THIS STATE. THE CONTRIB-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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UTION REFERENCED IN SUBDIVISION ONE OF THIS SECTION SHALL BE COLLECTED FOR EACH BURIAL OR REMOVAL PERMIT ISSUED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION FROM THE LICENSED FUNERAL DIRECTOR OR UNDERTAKER TO WHOM SUCH PERMIT IS ISSUED, IN THE MANNER SPECIFIED BY THE DEPARTMENT AND SHALL BE USED SOLELY FOR THE PURPOSE SET FORTH IN SUBDIVISION ONE OF THIS SECTION.

3. COMMENCING ON JANUARY FIRST, TWO THOUSAND FIFTEEN, OR AS SOON THEREAFTER AS THE COMMISSIONER REASONABLY DETERMINES IS FEASIBLE IN LIGHT OF THE INTENT OF THIS SECTION, THE DEPARTMENT SHALL REQUIRE THAT DEATHS OCCURRING WITHIN THIS STATE MUST BE REGISTERED USING THE ELECTRONIC DEATH REGISTRATION SYSTEM ESTABLISHED IN THIS SECTION. ELECTRONIC DEATH REGISTRATION MAY BE PHASED IN, AS DETERMINED BY THE COMMISSIONER, FOR DEATHS OCCURRING IN THE STATE UNTIL THE ELECTRONIC DEATH REGISTRATION SYSTEM IS FULLY IMPLEMENTED IN THE STATE.

4. COMMENCING ON JANUARY FIRST, TWO THOUSAND FIFTEEN, OR ON SUCH DATE DETERMINED BY THE COMMISSIONER PURSUANT TO SUBDIVISION THREE OF THIS SECTION, ALL PERSONS REQUIRED TO REGISTER A DEATH OR FILE A CERTIFICATE OF DEATH UNDER THIS ARTICLE, AND SUCH OTHERS AS MAY BE AUTHORIZED BY THE COMMISSIONER, SHALL HAVE ACCESS TO THE ELECTRONIC DEATH REGISTRATION SYSTEM FOR THE PURPOSE OF ENTERING INFORMATION REQUIRED TO EXECUTE, COMPLETE AND FILE A CERTIFICATE OF DEATH OR TO RETRIEVE SUCH INFORMATION OR GENERATE DOCUMENTATION FROM THE ELECTRONIC DEATH REGISTRATION SYSTEM. THE CONFIDENTIALITY PROVISIONS IN SECTION FORTY-ONE HUNDRED FORTY-SEVEN OF THIS TITLE SHALL APPLY TO INFORMATION MAINTAINED IN THIS SYSTEM.

5. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, OR ON SUCH DATE DETERMINED BY THE COMMISSIONER PURSUANT TO SUBDIVISION THREE OF THIS SECTION, ANY REQUIREMENT OF THIS TITLE FOR A SIGNATURE OF ANY PERSON SHALL BE DEEMED SATISFIED BY THE USE BY SUCH PERSON OF DIGITAL SIGNATURE PROVIDED SUCH PERSON IS AUTHORIZED IN ACCORDANCE WITH THIS SECTION TO USE THE ELECTRONIC DEATH REGISTRATION SYSTEM.

S 2. Subdivision 1 of section 4100-a of the public health law, as amended by chapter 644 of the laws of 1988, is amended and a new subdivision 5 is added to read as follows:

1. The term "certified copy" means a photographic reproduction in the form of a photocopy or a microfilm print of the original certificate OR ELECTRONICALLY PRODUCED PRINT OF THE ORIGINAL CERTIFICATE, COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, and certified by the commissioner, his designated representative, a local registrar [or his deputy], DEPUTY REGISTRAR OR SUB-REGISTRAR as a true copy thereof.

5. THE TERM "ELECTRONIC DEATH REGISTRATION SYSTEM" MEANS THE DATA SYSTEM CREATED AND MAINTAINED BY THE DEPARTMENT FOR COLLECTING, STORING, RECORDING, TRANSMITTING, AMENDING, CORRECTING AND AUTHENTICATING INFORMATION, AS NECESSARY AND APPROPRIATE TO COMPLETE A DEATH REGISTRATION, AND TO GENERATE SUCH DOCUMENTS AS DETERMINED BY THE DEPARTMENT, INCLUDING PERMITS OR CERTIFICATES, RELATING TO A DEATH OCCURRING IN THIS STATE.

S 3. Subdivision 1 of section 4140 of the public health law is amended to read as follows:

1. The death of each person who has died in this state shall be registered immediately and not later than seventy-two hours after death or the finding of a dead human body, by filing with the registrar of the district in which the death occurred or the body was found a certificate of such death, [which certificate shall be upon the form] IN A MANNER AND FORMAT AS prescribed by the commissioner, WHICH SHALL INCLUDE

1 THROUGH ELECTRONIC MEANS IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED
2 FORTY-EIGHT OF THIS TITLE.

3 S 4. Section 4141-a of the public health law, as amended by chapter
4 153 of the laws of 2011, is amended to read as follows:

5 S 4141-a. Death certificate; duties of hospital administrator. When a
6 death occurs in a hospital, except in those cases where certificates are
7 issued by coroners or medical examiners, the person in charge of such
8 hospital or his or her designated representative shall promptly present
9 the certificate to the physician or nurse practitioner in attendance, or
10 a physician or nurse practitioner acting in his or her behalf, who shall
11 promptly certify to the facts of death, provide the medical information
12 required by the certificate, sign the medical certificate of death, and
13 thereupon return such certificate to such person, so that the seventy-
14 two hour registration time limit prescribed in section four thousand one
15 hundred forty of this title can be met; PROVIDED, HOWEVER THAT COMMENC-
16 ING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN OR ON SUCH DATE
17 DETERMINED BY THE COMMISSIONER PURSUANT TO SUBDIVISION THREE OF SECTION
18 FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE, INFORMATION AND SIGNATURES
19 REQUIRED BY THIS SECTION SHALL BE OBTAINED AND MADE IN ACCORDANCE WITH
20 SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE.

21 S 5. Section 4142 of the public health law is amended by adding a new
22 subdivision (e) to read as follows:

23 (E) NOTWITHSTANDING ANY CONTRARY PROVISIONS OF LAW AS MAY BE SET FORTH
24 IN THIS SECTION, COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND
25 FIFTEEN, OR ON SUCH DATE DETERMINED BY THE COMMISSIONER PURSUANT TO
26 SUBDIVISION THREE OF SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS
27 TITLE, INFORMATION AND SIGNATURES REQUIRED BY THIS SUBDIVISION SHALL BE
28 OBTAINED AND MADE IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED
29 FORTY-EIGHT OF THIS TITLE.

30 S 6. Paragraph (b) of subdivision 2 and subdivisions 3 and 5 of
31 section 4144 of the public health law, paragraph (b) of subdivision 2 as
32 amended by chapter 153 of the laws of 2011, are amended to read as
33 follows:

34 (b) Verbal permission to remove a body of a deceased person from the
35 county in which death occurred or the body was found to a non-adjacent
36 county within the state of New York, as provided in subdivision one of
37 this section, shall be issued by the said registrar of vital statistics,
38 upon request by telephone of a licensed funeral director or undertaker
39 who holds a certificate of death signed by the attending physician or
40 nurse practitioner, OR FOR DEATHS OCCURRING ON OR AFTER JANUARY FIRST,
41 TWO THOUSAND FIFTEEN, OR ON SUCH DATE DETERMINED BY THE COMMISSIONER
42 PURSUANT TO SUBDIVISION THREE OF SECTION FORTY-ONE HUNDRED FORTY-EIGHT
43 OF THIS TITLE, SUCH CERTIFICATE OF DEATH SIGNED BY THE ATTENDING PHYSI-
44 CIAN OR NURSE PRACTITIONER IS AVAILABLE ELECTRONICALLY IN ACCORDANCE
45 WITH SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE, showing that
46 the death resulted from natural causes and was not a result of acci-
47 dental, suicidal, homicidal or other external causes.

48 3. No registrar of vital statistics shall receive any fee for the
49 issuance of burial or removal permits under this chapter EXCEPT AS
50 REFERENCED BY SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE AND
51 other than the compensation provided in this article.

52 5. If the interment, or other disposition of the body of a deceased
53 person is to be made within the state, the wording of the burial or
54 removal permit may be limited to a statement by the registrar, and over
55 his signature, that a satisfactory certificate of death, having been
56 filed with him, as required by law, permission is granted to inter,

1 remove or otherwise dispose of the body, stating the name, age, sex,
2 cause of death, and other necessary details [upon the form prescribed by
3 the commissioner] IN A MANNER AND FORMAT AS MAY BE REQUIRED BY THE
4 COMMISSIONER.

5 S 7. Subdivisions 1 and 4 of section 4161 of the public health law,
6 subdivision 1 as amended by chapter 589 of the laws of 1991 and subdivi-
7 sion 4 as amended by chapter 153 of the laws of 2011, are amended to
8 read as follows:

9 1. The certificate of fetal death and the report of fetal death shall
10 contain such information and be in such form as the commissioner may
11 prescribe; PROVIDED HOWEVER THAT COMMENCING ON OR AFTER JANUARY FIRST,
12 TWO THOUSAND FIFTEEN, OR ON SUCH DATE DETERMINED BY THE COMMISSIONER
13 PURSUANT TO SUBDIVISION THREE OF SECTION FORTY-ONE HUNDRED FORTY-EIGHT
14 OF THIS ARTICLE, INFORMATION AND SIGNATURES REQUIRED BY THIS SUBDIVISION
15 SHALL BE OBTAINED AND MADE IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED
16 FORTY-EIGHT OF THIS ARTICLE, except that unless requested by the woman
17 neither the certificate nor the report of fetal death shall contain the
18 name of the woman, her social security number or any other information
19 which would permit her to be identified except as provided in this
20 subdivision. The report shall state that a certificate of fetal death
21 was filed with the commissioner and the date of such filing. The commis-
22 sioner shall develop a unique, confidential identifier to be used on the
23 certificate of fetal death to be used in connection with the exercise of
24 the commissioner's authority to monitor the quality of care provided by
25 any individual or entity licensed to perform an abortion in this state
26 and to permit coordination of data concerning the medical history of the
27 woman for purposes of conducting surveillance scientific studies and
28 research pursuant to the provisions of paragraph (j) of subdivision one
29 of section two hundred six of this chapter.

30 4. When a fetal death occurs in a hospital, except in those cases
31 where certificates are issued by coroners or medical examiners, the
32 person in charge of such hospital or his or her designated represen-
33 tative shall promptly present the certificate to the physician or nurse
34 practitioner in attendance, or a physician or nurse practitioner acting
35 in his or her behalf, who shall promptly certify to the facts of birth
36 and of fetal death, provide the medical information required by the
37 certificate, sign the medical certificate of birth and death, and there-
38 upon return such certificate to such person, so that the seventy-two
39 hour registration time limit prescribed in section four thousand one
40 hundred sixty of this title can be met; PROVIDED, HOWEVER THAT COMMENC-
41 ING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, OR ON SUCH DATE
42 DETERMINED BY THE COMMISSIONER PURSUANT TO SUBDIVISION THREE OF SECTION
43 FORTY-ONE HUNDRED FORTY-EIGHT OF THIS ARTICLE, INFORMATION AND SIGNA-
44 TURES REQUIRED BY THIS SUBDIVISION SHALL BE OBTAINED AND MADE IN ACCORD-
45 ANCE WITH SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS ARTICLE.

46 S 8. Subdivision 3 of section 4171 of the public health law is amended
47 to read as follows:

48 3. All certificates, either of birth or death, shall be written legi-
49 bly, in durable black ink, [and no] PROVIDED, HOWEVER, THAT COMMENCING
50 ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, OR ON SUCH DATE DETER-
51 MINED BY THE COMMISSIONER PURSUANT TO SUBDIVISION THREE OF SECTION
52 FORTY-ONE HUNDRED FORTY-EIGHT OF THIS ARTICLE, DEATH CERTIFICATES SHALL
53 BE COMPLETED IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF
54 THIS ARTICLE. NO certificate, WHETHER FILED IN PAPER FORM OR DEATH
55 CERTIFICATE FILED ELECTRONICALLY IN ACCORDANCE WITH SECTION FORTY-ONE
56 HUNDRED FORTY-EIGHT OF THIS ARTICLE, shall be held to be complete and

1 correct that does not supply all of the items of information called for
2 therein, or satisfactorily account for their omission.

3 S 9. This act shall take effect immediately, provided that the commis-
4 sioner of health is authorized to promulgate regulations as necessary to
5 implement the provisions of this act.