S T A T E O F N E W Y O R K

2819

2009-2010 Regular Sessions

I N S E N A T E

March 4, 2009

Introduced by Sen. HANNON -- 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 death certificates

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

Section 1. Section 4100 of the public health law is amended by adding a new subdivision 4 to read as follows:

4. CERTIFIED NURSE PRACTITIONERS COMPLETING A DEATH CERTIFICATE FOR A DEATH OCCURRING IN THE CITY OF NEW YORK SHALL HAVE THE SAME AUTHORITY AND RESPONSIBILITY TO COMPLETE THE CERTIFICATE AS THEY WOULD HAVE IF THE DEATH OCCURRED OUTSIDE SUCH CITY; PROVIDED, HOWEVER, THAT SUCH RESPONSIBILITY SHALL BE EXERCISED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE CITY OF NEW YORK.

S 2. Section 4104 of the public health law, as amended by chapter 435 of the laws of 2008, is amended to read as follows:

S 4104. Vital statistics; application of article. The provisions of this article except for the provisions contained in paragraph (i) of subdivision two AND SUBDIVISION FOUR of section four thousand one hundred, section four thousand one hundred three, subdivision two of section four thousand one hundred thirty-five, section four thousand one hundred thirty-five-b, subdivision eight of section four thousand one hundred seventy-four, paragraphs (b) and (e) of subdivision one of section four thousand one hundred thirty-eight, subdivision eleven of section four thousand one hundred thirty-eight-c, and section four thousand one hundred seventy-nine of this article, shall not apply to the city of New York.

S 3. Subdivision 4 of section 4141 of the public health law, paragraph (d) as added by chapter 413 of the laws of 2005, is amended to read as follows:

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

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4. (a) The medical certificate shall be made, dated, and signed by the physician OR NURSE PRACTITIONER, if any, last in attendance on the deceased.

(b) Indefinite terms, denoting only symptoms of disease or conditions resulting from disease, shall not be held sufficient.

(c) Any certificate stating the cause of death in terms which the commissioner [shall have declared] DECLARES indefinite[,] shall be returned to the physician, NURSE PRACTITIONER, or person making the medical certificate[,] for correction and more definite statement.

(d) Where a death is caused by an opioid overdose, such information shall be indicated, including any related information as the commissioner may require.

S 4. Section 4141-a of the public health law, as added by chapter 402 of the laws of 1968, is amended to read as follows:

S 4141-a. Death certificate; duties of hospital administrator. When a death occurs in a hospital, except in those cases where certificates are issued by coroners or medical examiners, the person in charge of such hospital or his OR HER designated representative shall promptly present the certificate to the physician OR NURSE PRACTITIONER in attendance, or a physician OR NURSE PRACTITIONER acting in his OR HER behalf, who shall promptly certify to the facts of death, provide the medical information required by the certificate, sign the medical certificate of death, and thereupon return such certificate to such person, so that the seventy-two hour registration time limit prescribed in section four thousand one hundred forty of this [chapter] TITLE can be met.

S 5. Subdivision (b) of section 4142 of the public health law, as amended by chapter 402 of the laws of 1968, is amended to read as follows:

(b) present the certificate promptly to the attending physician OR NURSE PRACTITIONER, who shall forthwith certify to the facts of death, provide the medical information required by the certificate and sign the medical certificate of death, or to the coroner or medical examiner in those cases where so required by this article or, when a death occurs in a hospital, except in those cases where certificates are issued by coroners or medical examiners, to the person in charge of such hospital or his OR HER designated representative, who shall obtain the medical certificate of death as prescribed in section four thousand one hundred forty-one-a of this [chapter] TITLE;

S 6. Paragraph (b) of subdivision 2 of section 4144 of the public health law, as amended by chapter 188 of the laws of 1997, is amended to read as follows:

(b) Verbal permission to remove a body of a deceased person from the county in which death occurred or the body was found to a non-adjacent county within the state of New York, as provided in subdivision one [hereof] OF THIS SECTION, shall be issued by the said registrar of vital statistics, upon request by telephone of a licensed funeral director or undertaker who holds a certificate of death signed by the attending physician OR NURSE PRACTITIONER, showing THAT the death resulted from natural causes[,] and was not a result of accidental, suicidal, homicidal or other external causes.

S 7. The section heading and subdivisions 2, 3 and 4 of section 4161 of the public health law, the section heading and subdivision 4 as amended by chapter 402 of the laws of 1968, subdivision 2 as amended by chapter 884 of the laws of 1972, and subdivision 3 as amended by chapter 388 of the laws of 1968, are amended to read as follows:

Fetal death certificates; form and content; physicians, NURSE PRACTITIONERS, midwives, and hospital administrators.

2. In each case where a physician OR NURSE PRACTITIONER was in attendance at[,] or after[,] a fetal death, it [shall be] IS the duty of such physician OR NURSE PRACTITIONER to certify to the birth and to the cause of death on the fetal death certificate. Where a nurse-midwife was in attendance at a fetal death it [shall be] IS the duty of such nurse-midwife to certify to the birth but, HE OR she shall not certify to the cause of death on the fetal death certificate.

3. Fetal deaths occurring without the attendance of a physician OR NURSE PRACTITIONER as [defined] PROVIDED in subdivision two of this section shall be treated as deaths without medical attendance, as provided in this article.

4. When a fetal death occurs in a hospital, except in those cases where certificates are issued by coroners or medical examiners, the person in charge of such hospital or his OR HER designated representative shall promptly present the certificate to the physician OR NURSE PRACTITIONER in attendance, or a physician OR NURSE PRACTITIONER acting in his OR HER behalf, who shall promptly certify to the facts of birth and of fetal death, provide the medical information required by the certificate, sign the medical certificate of birth and death, and thereupon return such certificate to such person, so that the seventy-two hour registration time limit prescribed in section four thousand one hundred sixty of this [chapter] TITLE can be met.

S 8. The section heading and subdivision 1 of section 4171 of the public health law, subdivision 1 as amended by chapter 884 of the laws of 1972, are amended to read as follows:

Records; duties of physicians, NURSE PRACTITIONERS, and others to furnish information. 1. Physicians, NURSE PRACTITIONERS, nurse-midwives, funeral directors, undertakers and informants, and all other persons having knowledge of the facts, are hereby required to supply, upon a form provided by the commissioner or upon the original certificate, such information as they may possess regarding any birth or death upon demand of the commissioner, in person, by mail, or through the registrar.

S 9. Subdivisions 1, 3 and 5 of section 4175 of the public health law, as amended by chapter 884 of the laws of 1972, are amended to read as follows:

1. If, at any time after the birth, or within one year of the death, of any person within the state, a certified copy of the official record of said birth or death, with the information required to be registered by this article, [be] IS necessary for legal, judicial, or other proper purposes, and, after search by the commissioner or his OR HER representatives, it [should appear] APPEARS that no such certificate of birth or death was made and filed as provided by this article, then the commissioner shall immediately require the physician, NURSE PRACTITIONER, or nurse-midwife[,] who, being in attendance upon a birth, failed or neglected to file a certificate thereof, or the funeral director, undertaker, or other person who, having charge of the interment or removal of the body of a deceased person, failed or neglected to file the certificate of death, if he or she [be] IS living, to obtain and file at once with the local registrar such certificate in as complete form as the lapse of time will permit.

3. If the physician, NURSE PRACTITIONER, nurse-midwife, funeral director, or undertaker responsible for the report[,] is deceased or cannot be located, then the person making application for the certified copy of the record may file such certificate of birth or death together with

such statements subscribed and affirmed by the persons making them as true under the penalties of perjury and other evidence as the commissioner may require.

5. The delinquent physician, NURSE PRACTITIONER, nurse-midwife, funeral director, undertaker, or other person may, in the discretion of the commissioner, be prosecuted as required by this article, without bar from the statute of limitations, if he or she [shall neglect or fail] NEGLECTS OR FAILS to file promptly the certificate required by this section.

S 10. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, that the commissioner of health is authorized and directed to promulgate any rules and regulations necessary to implement the provisions of this act on its effective date on or before such date.