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. 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:

4. (a) The medical certificate shall be made, dated, and signed by the physician OR A PHYSICIAN ASSISTANT ACTING UNDER THE SUPERVISION OF A PHYSICIAN, 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, A PHYSICIAN ASSISTANT ACTING UNDER THE SUPERVISION OF A PHYSICIAN, or person making the medical certificate[,] for correction and more definite statement. A CERTIFICATE CERTIFIED TO AND SIGNED BY A PHYSICIAN ASSISTANT IN ACCORDANCE WITH THIS SECTION SHALL HAVE THE SAME FORCE AND EFFECT IN LAW AS A CERTIFICATE SIGNED BY A PHYSICIAN.

(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 2. 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 A PHYSICIAN ASSISTANT ACTING UNDER THE SUPERVISION OF A PHYSICIAN in attendance, or a physician OR A PHYSICIAN ASSISTANT ACTING UNDER THE SUPERVISION OF A PHYSICIAN acting in his OR HER behalf, who shall promptly certify to the facts of death, provide

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.
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. A CERTIFICATE CERTIFIED TO AND SIGNED BY A PHYSICIAN ASSISTANT
IN ACCORDANCE WITH THIS SECTION SHALL HAVE THE SAME FORCE AND EFFECT IN
LAW AS A CERTIFICATE SIGNED BY A PHYSICIAN.
S 3. 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
PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN, 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 represen-
tative, who shall obtain the medical certificate of death as prescribed
in section four thousand one hundred forty-one-a of this [chapter] TITLE;
S 4. 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] SPOKEN 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 direc-
tor or undertaker who holds a certificate of death signed by the attend-
ing physician OR PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSI-
CIAN, showing THAT the death resulted from natural causes[,] and was not
a result of accidental, suicidal, homicidal or other external causes.
S 5. 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, PHYSICIAN
ASSISTANTS, midwives, and hospital administrators.
2. In each case where a physician OR PHYSICIAN ASSISTANT UNDER THE
SUPERVISION OF A PHYSICIAN was in attendance at[, or after[,] a fetal
death, it [shall be] IS the duty of such physician OR PHYSICIAN ASSIST-
ANT UNDER THE SUPERVISION OF A PHYSICIAN to certify to the birth and to
the cause of death on the fetal death certificate. Where a nurse-mid-
wife 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
PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN 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 represen-
tative shall promptly present the certificate to the physician OR PHYSI-
CIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN in attendance, or a
physician OR PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN
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 6. 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, is amended to read as follows:

Records; duties of physicians, PHYSICIAN ASSISTANTS, and others to
furnish information. 1. Physicians, PHYSICIAN ASSISTANTS UNDER THE
SUPERVISION OF A PHYSICIAN, nurse-midwives, funeral directors, undertak-
ers 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 7. 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 represen-
tatives, it [should appear] APPEARS that no such certificate of birth or
death was made and filed as provided by this article, then the commis-
sioner shall immediately require the physician, PHYSICIAN ASSISTANT
UNDER THE SUPERVISION OF A PHYSICIAN, or nurse-midwife[,] who, being in
attendance upon a birth, failed or neglected to file a certificate ther-
eof, 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, PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A
PHYSICIAN, 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, PHYSICIAN ASSISTANT UNDER THE SUPERVISION
OF A PHYSICIAN, 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 8. This act shall take effect on the one hundred twentieth day after
it shall have become a law; provided, however, that the commissioner of
health is authorized and directed to promulgate any rules and regu-
lations necessary to implement the provisions of this act on its effec-
tive date on or before such date.