

2068

2013-2014 Regular Sessions

I N S E N A T E

January 10, 2013

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:

- 1 Section 1. Subdivision 4 of section 4141 of the public health law, as
2 amended by chapter 153 of the laws of 2011, is amended to read as
3 follows:
4 4. (a) The medical certificate shall be made, dated, and signed by the
5 physician, A PHYSICIAN ASSISTANT ACTING UNDER THE SUPERVISION OF A
6 PHYSICIAN or THE nurse practitioner, if any, last in attendance on the
7 deceased.
8 (b) Indefinite terms, denoting only symptoms of disease or conditions
9 resulting from disease, shall not be held sufficient.
10 (c) Any certificate stating the cause of death in terms which the
11 commissioner declares indefinite shall be returned to the physician, A
12 PHYSICIAN ASSISTANT ACTING UNDER THE SUPERVISION OF A PHYSICIAN, THE
13 nurse practitioner, or THE person making the medical certificate for
14 correction and more definite statement. A CERTIFICATE CERTIFIED TO AND
15 SIGNED BY A PHYSICIAN ASSISTANT IN ACCORDANCE WITH THIS SECTION SHALL
16 HAVE THE SAME FORCE AND EFFECT IN LAW AS A CERTIFICATE SIGNED BY A
17 PHYSICIAN.
18 (d) Where a death is caused by an opioid overdose, such information
19 shall be indicated, including any related information as the commission-
20 er may require.
21 S 2. Section 4141-a of the public health law, as amended by chapter
22 153 of the laws of 2011, is amended to read as follows:
23 S 4141-a. Death certificate; duties of hospital administrator. When a
24 death occurs in a hospital, except in those cases where certificates are
25 issued by coroners or medical examiners, the person in charge of such
26 hospital or his or her designated representative shall promptly present

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

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1 the certificate to the physician [or], THE nurse practitioner OR A
2 PHYSICIAN ASSISTANT ACTING UNDER THE SUPERVISION OF A PHYSICIAN in
3 attendance, or a physician [or], A nurse practitioner OR A PHYSICIAN
4 ASSISTANT ACTING UNDER THE SUPERVISION OF A PHYSICIAN acting in his or
5 her behalf, who shall promptly certify to the facts of death, provide
6 the medical information required by the certificate, sign the medical
7 certificate of death, and thereupon return such certificate to such
8 person, so that the seventy-two hour registration time limit prescribed
9 in section four thousand one hundred forty of this title can be met. A
10 CERTIFICATE CERTIFIED TO AND SIGNED BY A PHYSICIAN ASSISTANT IN ACCORD-
11 ANCE WITH THIS SECTION SHALL HAVE THE SAME FORCE AND EFFECT AS A CERTIF-
12 ICATE SIGNED BY A PHYSICIAN.

13 S 3. Subdivision (b) of section 4142 of the public health law, as
14 amended by chapter 153 of the laws of 2011, is amended to read as
15 follows:

16 (b) present the certificate promptly to the attending physician, A
17 PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN or THE nurse
18 practitioner, who shall forthwith certify to the facts of death, provide
19 the medical information required by the certificate and sign the medical
20 certificate of death, or to the coroner or medical examiner in those
21 cases where so required by this article or, when a death occurs in a
22 hospital, except in those cases where certificates are issued by coron-
23 ers or medical examiners, to the person in charge of such hospital or
24 his or her designated representative, who shall obtain the medical
25 certificate of death as prescribed in section four thousand one hundred
26 forty-one-a of this title;

27 S 4. Paragraph (b) of subdivision 2 of section 4144 of the public
28 health law, as amended by chapter 153 of the laws of 2011, is amended to
29 read as follows:

30 (b) [Verbal] SPOKEN permission to remove a body of a deceased person
31 from the county in which death occurred or the body was found to a non-
32 adjacent county within the state of New York, as provided in subdivision
33 one of this section, shall be issued by the said registrar of vital
34 statistics, upon request by telephone of a licensed funeral director or
35 undertaker who holds a certificate of death signed by the attending
36 physician [or], THE ATTENDING nurse practitioner OR A PHYSICIAN ASSIST-
37 ANT UNDER THE SUPERVISION OF A PHYSICIAN, showing that the death
38 resulted from natural causes and was not a result of accidental,
39 suicidal, homicidal or other external causes.

40 S 5. The section heading and subdivisions 2, 3 and 4 of section 4161
41 of the public health law, as amended by chapter 153 of the laws of 2011,
42 are amended to read as follows:

43 Fetal death certificates; form and content; physicians, nurse practi-
44 tioners, PHYSICIAN ASSISTANTS, midwives, and hospital administrators.

45 2. In each case where a physician [or], A nurse practitioner OR A
46 PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN was in attend-
47 ance at or after a fetal death, it is the duty of such physician [or],
48 nurse practitioner OR PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A
49 PHYSICIAN to certify to the birth and to the cause of death on the fetal
50 death certificate. Where a nurse-midwife was in attendance at a fetal
51 death it is the duty of such nurse-midwife to certify to the birth but,
52 he or she shall not certify to the cause of death on the fetal death
53 certificate.

54 3. Fetal deaths occurring without the attendance of a physician [or],
55 A nurse practitioner OR PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A

1 PHYSICIAN as provided in subdivision two of this section shall be treat-
2 ed as deaths without medical attendance, as provided in this article.
3 4. When a fetal death occurs in a hospital, except in those cases
4 where certificates are issued by coroners or medical examiners, the
5 person in charge of such hospital or his or her designated represen-
6 tative shall promptly present the certificate to the physician [or], THE
7 nurse practitioner OR THE PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A
8 PHYSICIAN in attendance, or a physician [or], A nurse practitioner OR
9 THE PHYSICIAN ASSISTANT UNDER THE SUPERVISION OF A PHYSICIAN acting in
10 his or her behalf, who shall promptly certify to the facts of birth and
11 of fetal death, provide the medical information required by the certif-
12 icate, sign the medical certificate of birth and death, and thereupon
13 return such certificate to such person, so that the seventy-two hour
14 registration time limit prescribed in section four thousand one hundred
15 sixty of this title can be met.

16 S 6. The section heading and subdivision 1 of section 4171 of the
17 public health law, as amended by chapter 153 of the laws of 2011, are
18 amended to read as follows:

19 Records; duties of physicians, nurse practitioners, PHYSICIAN ASSIST-
20 ANTS, and others to furnish information. 1. Physicians, nurse practi-
21 tioners, PHYSICIAN ASSISTANTS UNDER THE SUPERVISION OF A PHYSICIAN,
22 nurse-midwives, funeral directors, undertakers and informants, and all
23 other persons having knowledge of the facts, are hereby required to
24 supply, upon a form provided by the commissioner or upon the original
25 certificate, such information as they may possess regarding any birth or
26 death upon demand of the commissioner, in person, by mail, or through
27 the registrar.

28 S 7. Subdivisions 1, 3 and 5 of section 4175 of the public health law,
29 as amended by chapter 153 of the laws of 2011, are amended to read as
30 follows:

31 1. If, at any time after the birth, or within one year of the death,
32 of any person within the state, a certified copy of the official record
33 of said birth or death, with the information required to be registered
34 by this article, is necessary for legal, judicial, or other proper
35 purposes, and, after search by the commissioner or his or her represen-
36 tatives, it appears that no such certificate of birth or death was made
37 and filed as provided by this article, then the commissioner shall imme-
38 diately require the physician, nurse practitioner, PHYSICIAN ASSISTANT
39 UNDER THE SUPERVISION OF A PHYSICIAN, or nurse-midwife who, being in
40 attendance upon a birth, failed or neglected to file a certificate ther-
41 eof, or the funeral director, undertaker, or other person who, having
42 charge of the interment or removal of the body of a deceased person,
43 failed or neglected to file the certificate of death, if he or she is
44 living, to obtain and file at once with the local registrar such certif-
45 icate in as complete form as the lapse of time will permit.

46 3. If the physician, nurse practitioner, PHYSICIAN ASSISTANT UNDER THE
47 SUPERVISION OF A PHYSICIAN, nurse-midwife, funeral director, or under-
48 taker responsible for the report is deceased or cannot be located, then
49 the person making application for the certified copy of the record may
50 file such certificate of birth or death together with such statements
51 subscribed and affirmed by the persons making them as true under the
52 penalties of perjury and other evidence as the commissioner may require.

53 5. The delinquent physician, nurse practitioner, PHYSICIAN ASSISTANT
54 UNDER THE SUPERVISION OF A PHYSICIAN, nurse-midwife, funeral director,
55 undertaker, or other person may, in the discretion of the commissioner,
56 be prosecuted as required by this article, without bar from the statute

1 of limitations, if he or she neglects or fails to file promptly the
2 certificate required by this section.
3 S 8. This act shall take effect on the one hundred twentieth day after
4 it shall have become a law; provided, however, that the commissioner of
5 health is authorized and directed to promulgate any rules and regu-
6 lations necessary to implement the provisions of this act on its effec-
7 tive date on or before such date.