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

4668--B

2013-2014 Regular Sessions

I N S E N A T E

April 17, 2013

Introduced by Sens. CARLUCCI, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged and said bill committed to the Committee on Finance -- committee discharged and said bill committed to the Committee on Health -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. The public health law is amended by adding a new section 4148 to read as follows:

S 4148. ELECTRONIC DEATH REGISTRATION SYSTEM. 1. THE DEPARTMENT IS HEREBY AUTHORIZED AND DIRECTED TO DESIGN, IMPLEMENT AND MAINTAIN AN ELECTRONIC DEATH REGISTRATION SYSTEM 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 IN RELATION TO A DEATH OCCURRING IN THIS STATE. AS PART OF THE DESIGN AND IMPLEMENTATION OF THE SYSTEM ESTABLISHED BY THIS SECTION, THE DEPARTMENT SHALL CONSULT WITH ALL PERSONS AUTHORIZED TO USE SUCH SYSTEM TO THE EXTENT PRACTICABLE AND FEASIBLE. THE PAYMENT REFERENCED IN SUBDIVISION FIVE 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 FIVE OF THIS SECTION. EXCEPT AS SPECIFICALLY PROVIDED IN THIS SECTION, THE EXISTING GENERAL DUTIES OF, AND REMUNERA-

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

LBD10019-03-3

TION RECEIVED BY, LOCAL REGISTRARS IN ACCEPTING AND FILING CERTIFICATES OF DEATH AND ISSUING BURIAL AND REMOVAL PERMITS PURSUANT TO ANY STATUTE OR REGULATION SHALL BE MAINTAINED, AND NOT ALTERED OR ABRIDGED IN ANY WAY BY THIS SECTION.

2. COMMENCING ON THE IMPLEMENTATION DATE, 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. AS USED IN THIS SECTION, "IMPLEMENTATION DATE" MEANS THE FIRST DAY IN JANUARY IN THE SECOND YEAR AFTER THIS SECTION BECOMES A LAW, OR AS SOON THEREAFTER AS THE COMMISSIONER REASONABLY DETERMINES BY REGULATION IS FEASIBLE IN LIGHT OF THE INTENT OF THIS SECTION.

3. COMMENCING ON THE IMPLEMENTATION DATE, 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.

4. 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 TWO 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.

5. LICENSED FUNERAL DIRECTORS AND UNDERTAKERS SHALL SUPPORT THE ESTABLISHMENT AND MAINTENANCE OF THE ELECTRONIC DEATH REGISTRATION SYSTEM THROUGH A PAYMENT, TENDERED FOR EACH BURIAL AND REMOVAL PERMIT ISSUED TO A LICENSED FUNERAL DIRECTOR OR UNDERTAKER, IN THE AMOUNT OF TWENTY DOLLARS, PROVIDED THAT SUCH PAYMENT SHALL BE CONSIDERED A COST OF OPERATION AND THE FUNERAL DIRECTOR OR UNDERTAKER SHALL NOT CHARGE ANY ADDITIONAL FEE RELATED TO SUCH PAYMENT FOR FUNERAL OR OTHER SERVICES.

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 THE IMPLEMENTATION DATE UNDER SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE, 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 THROUGH ELECTRONIC MEANS IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE.

S 4. Section 4141-a of the public health law, as amended by chapter 153 of the laws of 2011, 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 title can be met; PROVIDED, HOWEVER THAT COMMENCING ON OR AFTER THE IMPLEMENTATION DATE UNDER SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE, INFORMATION AND SIGNATURES REQUIRED BY THIS SECTION SHALL BE OBTAINED AND MADE IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE.

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

(E) NOTWITHSTANDING ANY CONTRARY PROVISIONS OF LAW AS MAY BE SET FORTH IN THIS SECTION, COMMENCING ON OR AFTER THE IMPLEMENTATION DATE UNDER SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE, INFORMATION AND SIGNATURES REQUIRED BY THIS SUBDIVISION SHALL BE OBTAINED AND MADE IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE.

S 6. Paragraph (b) of subdivision 2 and subdivisions 3 and 5 of section 4144 of the public health law, paragraph (b) of subdivision 2 as amended by chapter 153 of the laws of 2011, are 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 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, OR FOR DEATHS OCCURRING ON OR AFTER THE IMPLEMENTATION DATE UNDER SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE, SUCH CERTIFICATE OF DEATH SIGNED BY THE ATTENDING PHYSICIAN OR NURSE PRACTITIONER IS AVAILABLE ELECTRONICALLY IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS TITLE, showing that the death resulted from natural causes and was not a result of accidental, suicidal, homicidal or other external causes.

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

5. If the interment, or other disposition of the body of a deceased person is to be made within the state, the wording of the burial or removal permit may be limited to a statement by the registrar, and over

his signature, that a satisfactory certificate of death, having been filed with him, as required by law, permission is granted to inter, remove or otherwise dispose of the body, stating the name, age, sex, cause of death, and other necessary details [upon the form prescribed by the commissioner] IN A MANNER AND FORMAT AS MAY BE REQUIRED BY THE COMMISSIONER.

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

1. The certificate of fetal death and the report of fetal death shall contain such information and be in such form as the commissioner may prescribe; PROVIDED HOWEVER THAT COMMENCING ON OR AFTER THE IMPLEMENTATION DATE UNDER SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS ARTICLE, INFORMATION AND SIGNATURES REQUIRED BY THIS SUBDIVISION SHALL BE OBTAINED AND MADE IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS ARTICLE, except that unless requested by the woman neither the certificate nor the report of fetal death shall contain the name of the woman, her social security number or any other information which would permit her to be identified except as provided in this subdivision. The report shall state that a certificate of fetal death was filed with the commissioner and the date of such filing. The commissioner shall develop a unique, confidential identifier to be used on the certificate of fetal death to be used in connection with the exercise of the commissioner's authority to monitor the quality of care provided by any individual or entity licensed to perform an abortion in this state and to permit coordination of data concerning the medical history of the woman for purposes of conducting surveillance scientific studies and research pursuant to the provisions of paragraph (j) of subdivision one of section two hundred six of this chapter.

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 title can be met; PROVIDED, HOWEVER THAT COMMENCING ON OR AFTER THE IMPLEMENTATION DATE UNDER SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS ARTICLE, INFORMATION AND SIGNATURES REQUIRED BY THIS SUBDIVISION SHALL BE OBTAINED AND MADE IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS ARTICLE.

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

3. All certificates, either of birth or death, shall be written legibly, in durable black ink, [and no] PROVIDED, HOWEVER, THAT COMMENCING ON OR AFTER THE IMPLEMENTATION DATE UNDER SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS ARTICLE, DEATH CERTIFICATES SHALL BE COMPLETED IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS ARTICLE. NO certificate, WHETHER FILED IN PAPER FORM OR DEATH CERTIFICATE FILED ELECTRONICALLY IN ACCORDANCE WITH SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THIS ARTICLE, shall be held to be complete and correct that does not

supply all of the items of information called for therein, or satisfactorily account for their omission.

S 9. This act shall take effect immediately, provided that the commissioner of health is authorized to make regulations as necessary to implement this act.