

House Bill 64 (AS PASSED HOUSE AND SENATE)

By: Representative Sims of the 169th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-10-15 of the Official Code of Georgia Annotated, relating to
2 death certificate filings, so as to provide for the completion and filing of the medical
3 certification as to the cause and circumstances of death during a certain period of time; to
4 provide for penalties; to provide that a coroner shall be authorized to complete and sign a
5 medical certification as to the cause and circumstances of death under certain circumstances;
6 to amend Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to
7 coroners, so as to provide for certain notification requirements when a death occurs in a
8 different county than where the acts or events resulting in the death occurred; to provide for
9 related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 31-10-15 of the Official Code of Georgia Annotated, relating to death
13 certificate filings, is amended by revising subsections (b) and (c) as follows:

14 "(b) The funeral director or person acting as such who first assumes custody of the dead
15 body shall file the certificate of death within 72 hours. Such director or person shall obtain
16 the personal data from the next of kin or the best qualified person or source available and
17 shall obtain the medical certification from the person responsible therefor.

18 (c)(1) The medical certification as to the cause and circumstances of death shall be
19 completed, signed, and returned to the funeral director or person acting as such within 72
20 hours after death by the physician in charge of the patient's care for the illness or
21 condition which resulted in death, except when inquiry is required by Article 2 of Chapter
22 16 of Title 45, the 'Georgia Death Investigation Act.' In the absence of said physician or
23 with that physician's approval the certificate may be completed and signed by an
24 associate physician, the chief medical officer of the institution in which death occurred,
25 or the physician who performed an autopsy upon the decedent, provided that such
26 individual has access to the medical history of the case, views the deceased at or after

27 death, and death is due to natural causes. If, 30 days after a death, the physician in charge
 28 of the patient's care for the illness or condition which resulted in death has failed to
 29 complete, sign, and return the medical certification as to the cause and circumstances of
 30 death to the funeral director or person acting as such, the funeral director or person acting
 31 as such shall be authorized to report such physician to the Composite State Board of
 32 Medical Examiners for discipline pursuant to Code Section 43-34-37.

33 ~~(2) In the event that a physician authorized pursuant to paragraph (1) of this subsection~~
 34 ~~to complete a medical certification as to the cause and circumstances of death has not~~
 35 ~~completed such certification 30 days after the death, a coroner shall be authorized to~~
 36 ~~complete and sign the certification; provided, however, that he or she has reviewed the~~
 37 ~~medical history of the case and determines that the death is due to natural causes. A~~
 38 ~~coroner signing a certification pursuant to this paragraph shall retain the authority granted~~
 39 ~~pursuant to Code Section 45-16-27 to issue subpoenas to compel the production of~~
 40 ~~medical records, provided that such records are related to the death in question.~~

41 (2) In any area in this state which is in a state of emergency as declared by the Governor
 42 due to an influenza pandemic, in addition to any other person authorized by law to
 43 complete and sign a death certificate, any registered professional nurse employed by a
 44 long-term care facility, advanced practice nurse, physician's assistant, registered nurse
 45 employed by a home health agency, or nursing supervisor employed by a hospital shall
 46 be authorized to complete and sign the death certificate, provided that such person has
 47 access to the medical history of the case, such person views the deceased at or after death,
 48 the death is due to natural causes, and an inquiry is not required under Article 2 of
 49 Chapter 16 of Title 45, the 'Georgia Death Investigation Act.' In such a state of
 50 emergency, the death certificate shall be filed by the funeral director in accordance with
 51 subsection (b) of this Code section; or, if the certificate is not completed and signed by
 52 an appropriate physician or coroner, the public health director of preparedness shall cause
 53 the death certificate to be completed, signed, and filed by some other authorized person
 54 within ten days after death."

55 SECTION 1A.

56 Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to coroners, is
 57 amended by adding a new subsection to Code Section 45-16-22, relating to medical
 58 examiners' inquiries, as follows:

59 "(f.1) When death occurs in a hospital as a direct result and consequence of acts or events
 60 taking place in a county other than the one in which such death occurs, the hospital shall
 61 immediately notify the coroner or the county medical examiner of the county in which the
 62 acts or events resulting in the death occurred."

63

SECTION 1B.

64 Said chapter is further amended in subsection (a) of Code Section 45-16-24, relating to
65 notification of suspicious or unusual deaths, by revising paragraph (9) and the undesignated
66 text at the end of subsection (a) as follows:

67 "(9) After having been admitted to a hospital in an unconscious state and without
68 regaining consciousness within 24 hours of admission,
69 it shall be the duty of any law enforcement officer or other person having knowledge of
70 such death to notify immediately the coroner or county medical examiner of the county
71 ~~wherein~~ in which the acts or events resulting in the death occurred or the body is found ~~or~~
72 ~~death occurs~~. For the purposes of this Code section, no person shall be deemed to have
73 died unattended when the death occurred while the person was a patient of a hospice
74 licensed under Article 9 of Chapter 7 of Title 31."

75

SECTION 2.

76 All laws and parts of laws in conflict with this Act are repealed.