

REFERENCE TITLE: death certificates

State of Arizona
House of Representatives
Fiftieth Legislature
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HB 2370

Introduced by
Representatives Carter, Ash, Brophy McGee, Robson: Senator Barto

AN ACT

AMENDING SECTIONS 11-593, 11-594, 36-301 AND 36-325, ARIZONA REVISED
STATUTES; RELATING TO DEATH REGISTRATION REQUIREMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 11-593, Arizona Revised Statutes, is amended to
3 read:
4 11-593. Reporting of certain deaths; failure to report;
5 classification
6 A. Any person having knowledge of the death of a human being including
7 a fetal death shall promptly notify the nearest peace officer of all
8 information in the person's possession regarding the death and the
9 circumstances surrounding it under any of the following circumstances:
10 1. Death when not under the current care of a ~~physician or nurse~~
11 ~~practitioner for a potentially fatal illness or when an attending physician~~
12 ~~or nurse practitioner is unavailable to sign the death certificate~~ HEALTH
13 CARE PROVIDER AS DEFINED PURSUANT TO SECTION 36-301.
14 2. Death resulting from violence.
15 3. Death occurring suddenly when in apparent good health.
16 4. Death occurring in a prison.
17 5. Death of a prisoner.
18 6. Death occurring in a suspicious, unusual or unnatural manner.
19 7. Death from disease or AN accident believed to be related to the
20 deceased's occupation or employment.
21 8. Death believed to present a public health hazard.
22 9. Death occurring during, in association with or as a result of
23 anesthetic or surgical procedures.
24 10. DEATH INVOLVING unidentifiable bodies.
25 B. The peace officer shall promptly notify the county medical examiner
26 or alternate medical examiner and, except in deaths occurring during, in
27 association with or as a result of surgical or anesthetic procedures from
28 natural diseases, shall promptly make or cause to be made an investigation of
29 the facts and circumstances surrounding the death and report the results to
30 the medical examiner or alternate medical examiner. If there is no county
31 medical examiner or alternate medical examiner appointed and serving within
32 the county, the county sheriff shall be notified by the peace officer and the
33 sheriff shall in turn notify and secure a licensed physician having the
34 qualifications of an alternate medical examiner to perform the death
35 investigation or to arrange for an autopsy.
36 C. Every person who knows of the existence of a body where death
37 occurred as specified in subsection A of this section and who knowingly fails
38 to notify the nearest peace officer as soon as possible unless the person has
39 good reason to believe that notice has already been given is guilty of a
40 class 2 misdemeanor.
41 D. If the deceased was under treatment for AN accident or illness by
42 prayer or spiritual means alone, in accordance with the tenets and practices
43 of a well-recognized church or religious denomination, and death occurred
44 without a physician or nurse practitioner in attendance, the person who has
45 knowledge of the death shall report all information in the person's

1 possession regarding the death and circumstances surrounding it directly to
2 the county medical examiner or the alternate medical examiner who may waive
3 an external examination or autopsy if the county medical examiner or
4 alternate medical examiner is satisfied that the death of the person resulted
5 from natural causes.

6 E. Each county shall provide to the department of public safety
7 fingerprints of all deceased persons for whom the circumstances of death
8 require an external examination or autopsy and whose deaths are required to
9 be investigated pursuant to this section. These fingerprints shall be on a
10 form provided by the department of public safety and shall be accompanied by
11 ~~such~~ ANY other information regarding the physical description and the date
12 and place of death ~~as~~ the department of public safety ~~may require~~ **REQUIRES**.
13 Fingerprints taken pursuant to this section shall be used only for the
14 purpose of purging criminal history files. All information and data in the
15 department of public safety that are furnished in compliance with this
16 section are confidential and may be disclosed only on written approval of the
17 director of the department of public safety to the juvenile court, social
18 agencies, ~~AND~~ public health and law enforcement agencies licensed or
19 regulated by this state.

20 Sec. 2. Section 11-594, Arizona Revised Statutes, is amended to read:

21 11-594. Powers and duties of county medical examiner

22 A. The county medical examiner or alternate medical examiner shall
23 direct a death investigation, shall determine whether an external examination
24 or autopsy is required and shall:

25 1. Take charge of the dead body.

26 2. Certify to the cause and manner of death following completion of
27 the death investigation, unless the medical examiner or alternate medical
28 examiner determines there is no jurisdiction pursuant to section 11-593,
29 reduce the findings to writing and promptly make a full report on forms
30 prescribed for that purpose.

31 3. Have subpoena authority for all documents, records and papers
32 deemed useful in the death investigation.

33 4. Execute a death certificate provided by the state registrar of
34 vital statistics indicating the cause and the manner of death for those
35 bodies for which a death investigation has been conducted and jurisdiction is
36 assumed.

37 5. Give approval for cremation of a dead body after a death
38 investigation and record the approval on the death certificate.

39 6. Notify the county attorney or other law enforcement authority when
40 death is found to be from other than natural causes.

41 7. Carry out the duties specified under section 28-668.

42 8. Carry out the duties specified under title 36, chapter 7,
43 article 3.

44 9. Observe all policies adopted by the board of supervisors regarding
45 conflicts of interest and disclosure of noncounty employment.

1 B. The county medical examiner or alternate medical examiner may:
2 1. Assign to a medical death investigator or other qualified personnel
3 all aspects of a death investigation except the performance of autopsies.
4 2. Authorize forensic pathologists to perform examinations and
5 autopsies. The medical examiner or alternate medical examiner may authorize
6 medical students or residents and fellows in pathology training to perform
7 autopsies under the supervision of a licensed physician who is board
8 certified in anatomic pathology, pursuant to procedures adopted by the county
9 medical examiner or alternate medical examiner. Authorization and the amount
10 to be paid by the county for pathology services are subject to approval of
11 the board of supervisors.
12 3. Delegate any power, duty or function whether ministerial or
13 discretionary vested by this chapter in the medical examiner or alternate
14 medical examiner to a person meeting the qualifications prescribed in this
15 chapter who is employed by or who has contracted with the county to provide
16 death investigation services. The medical examiner or alternate medical
17 examiner shall be responsible for the official acts of the person designated
18 pursuant to this section and shall act under the name and authority of the
19 medical examiner or alternate medical examiner.
20 4. Authorize the taking of organs and tissues as they prove to be
21 usable for transplants, other treatment, therapy, education or research if
22 all of the requirements of title 36, chapter 7, article 3 are met. The
23 medical examiner or alternate medical examiner shall give this authorization
24 within a time period that permits a medically viable donation.
25 5. Authorize licensed physicians, surgeons or trained technicians to
26 remove parts of bodies provided they follow an established protocol approved
27 by the medical examiner or alternate medical examiner.
28 6. Limit the removal of organs or tissues for transplants or other
29 therapy or treatment if, based on a review of available medical and
30 investigative information within a time that permits a medically viable
31 donation, the medical examiner or alternate medical examiner makes an initial
32 determination that their removal would interfere with a medical examination,
33 autopsy or certification of death. Before making a final decision to limit
34 the removal of organs, the medical examiner or alternate medical examiner
35 shall consult with the organ procurement organization. After the
36 consultation and when the organ procurement organization provides information
37 that the organ procurement organization reasonably believes could alter the
38 initial decision and at the request of the organ procurement organization,
39 the medical examiner or alternate medical examiner shall conduct a physical
40 examination of the body. If the medical examiner or alternate medical
41 examiner limits the removal of organs, the medical examiner or alternate
42 medical examiner shall maintain documentation of this decision and shall make
43 the documentation available to the organ procurement organization.

1 C. A county medical examiner or alternate medical examiner shall not
2 be held civilly or criminally liable for any acts performed in good faith
3 pursuant to subsection B, paragraphs 4, 5 and 6 of this section.

4 D. If a dispute arises over the findings of the medical examiner's
5 report, the medical examiner, ~~upon~~ ON an order of the superior court, shall
6 make available all evidence and documentation to a court-designated licensed
7 forensic pathologist for review, and the results of the review shall be
8 reported to the superior court in the county issuing the order.

9 E. For providing external examinations and autopsies pursuant to this
10 section, the medical examiner may charge a fee established by the board of
11 supervisors pursuant to section 11-251.08.

12 F. THE COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER IS
13 ENTITLED TO ALL MEDICAL RECORDS AND RELATED RECORDS OF A PERSON FOR WHOM THE
14 MEDICAL EXAMINER IS REQUIRED TO CERTIFY CAUSE OF DEATH.

15 Sec. 3. Section 36-301, Arizona Revised Statutes, is amended to read:

16 36-301. Definitions

17 In this chapter, unless the context otherwise requires:

18 1. "Administrative order" means a written decision issued by an
19 administrative law judge or quasi-judicial entity.

20 2. "Amend" means to make a change, other than a correction, to a
21 registered certificate by adding, deleting or substituting information on
22 that certificate.

23 3. "Birth" or "live birth" means the complete expulsion or extraction
24 of a product of human conception from its mother, irrespective of the
25 duration of the pregnancy, that shows evidence of life, with or without a cut
26 umbilical cord or an attached placenta, such as breathing, heartbeat,
27 umbilical cord pulsation or definite voluntary muscle movement after
28 expulsion or extraction of the product of human conception.

29 4. "Certificate" means a record that documents a birth or death.

30 5. "Certified copy" means a written reproduction of a registered
31 certificate that a local registrar, a deputy local registrar or the state
32 registrar has authenticated as a true and exact written reproduction of a
33 registered certificate.

34 6. "Correction" means a change made to a registered certificate
35 because of a typographical error, including misspelling and missing or
36 transposed letters or numbers.

37 7. "Court order" means a written decision issued by:

38 (a) The superior court, an appellate court or the supreme court or an
39 equivalent court in another state.

40 (b) A commissioner or judicial hearing officer of the superior court.

41 (c) A judge of a tribal court in this state.

42 8. "CURRENT CARE" MEANS THAT A HEALTH CARE PROVIDER HAS EXAMINED,
43 TREATED OR PROVIDED CARE FOR A PERSON FOR A CHRONIC OR ACUTE CONDITION WITHIN
44 EIGHTEEN MONTHS PRECEDING THAT PERSON'S DEATH. CURRENT CARE DOES NOT INCLUDE

1 SERVICES PROVIDED IN CONNECTION WITH A SINGLE EVENT OR URGENT CARE. FOR THE
2 PURPOSES OF THIS PARAGRAPH, "TREATED" INCLUDES PRESCRIBING MEDICATION.

3 ~~8-~~ 9. "Custody" means legal authority to act on behalf of a child.

4 ~~9-~~ 10. "Department" means the department of health services.

5 ~~10-~~ 11. "Electronic" means technology that has electrical, digital,
6 magnetic, wireless, optical or electromagnetic capabilities or technology
7 with similar capabilities.

8 ~~11-~~ 12. "Evidentiary document" means written information used to prove
9 the fact for which it is presented.

10 ~~12-~~ 13. "Family member" means:

11 (a) A person's spouse, natural or adopted offspring, father, mother,
12 grandparent, grandchild to any degree, brother, sister, aunt, uncle or first
13 or second cousin.

14 (b) The natural or adopted offspring, father, mother, grandparent,
15 grandchild to any degree, brother, sister, aunt, uncle or first or second
16 cousin of the person's spouse.

17 ~~13-~~ 14. "Fetal death" means the cessation of life before the complete
18 expulsion or extraction of a product of human conception from its mother ~~and~~
19 that is evidenced by the absence of breathing, heartbeat, umbilical cord
20 pulsation or definite voluntary muscle movement after expulsion or
21 extraction.

22 ~~14-~~ 15. "Final disposition" means the interment, cremation, removal
23 from this state or other disposition of human remains.

24 ~~15-~~ 16. "Foundling" means:

25 (a) A newborn infant left with a safe haven provider pursuant to
26 section 13-3623.01.

27 (b) A child whose father and mother cannot be determined.

28 ~~16-~~ 17. "Funeral establishment" has the same meaning prescribed in
29 section 32-1301.

30 ~~17-~~ 18. "Health care institution" has the same meaning prescribed in
31 section 36-401.

32 19. "HEALTH CARE PROVIDER" MEANS:

33 (a) A PHYSICIAN LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

34 (b) A DOCTOR OF NATUROPATHIC MEDICINE LICENSED PURSUANT TO TITLE 32,
35 CHAPTER 14.

36 (c) A MIDWIFE LICENSED PURSUANT TO CHAPTER 6, ARTICLE 7 OF THIS TITLE.

37 (d) A NURSE MIDWIFE CERTIFIED PURSUANT TO TITLE 32, CHAPTER 15.

38 (e) A NURSE PRACTITIONER LICENSED AND CERTIFIED PURSUANT TO TITLE 32,
39 CHAPTER 15.

40 (f) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO TITLE 32, CHAPTER 25.

41 (g) A HEALTH CARE PROVIDER WHO IS LICENSED OR CERTIFIED BY ANOTHER
42 STATE OR JURISDICTION OF THE UNITED STATES AND WHO WORKS IN A FEDERAL HEALTH
43 CARE FACILITY.

44 ~~18-~~ 20. "Human remains" means a lifeless human body or parts of a
45 human body that permit a reasonable inference that death occurred.

1 ~~19.~~ 21. "Issue" means:
2 (a) To provide a copy of a registered certificate.
3 (b) An action taken by a court of competent jurisdiction,
4 administrative law judge or quasi-judicial entity.
5 ~~20.~~ 22. "Legal age" means a person who is at least eighteen years of
6 age or who is emancipated by a court order.
7 23. "MEDICAL CERTIFICATION OF DEATH" MEANS THE OPINION OF THE HEALTH
8 CARE PROVIDER WHO SIGNS THE CERTIFICATE OF PROBABLE OR PRESUMED CAUSE OF
9 DEATH THAT COMPLIES WITH RULES ADOPTED BY THE STATE REGISTRAR OF VITAL
10 RECORDS AND THAT IS BASED ON ANY OF THE FOLLOWING THAT ARE REASONABLY
11 AVAILABLE:
12 (a) PERSONAL EXAMINATION.
13 (b) MEDICAL HISTORY.
14 (c) MEDICAL RECORDS.
15 (d) OTHER REASONABLE FORMS OF EVIDENCE.
16 ~~21.~~ 24. "Medical examiner" means a medical examiner or alternate
17 medical examiner as defined in section 11-591.
18 ~~22. "Midwife" means a person who is either:~~
19 ~~(a) Licensed pursuant to chapter 6, article 7 of this title.~~
20 ~~(b) Certified as a nurse midwife pursuant to title 32, chapter 15.~~
21 ~~23.~~ 25. "Name" means a designation that identifies a person, including
22 a first name, middle name, last name or suffix.
23 ~~24. "Nurse practitioner" means a person licensed and certified as a~~
24 ~~nurse practitioner pursuant to title 32, chapter 15.~~
25 ~~25. "Physician" means a person licensed pursuant to title 32, chapter~~
26 ~~13 or 17.~~
27 26. "NATURAL CAUSES" MEANS THOSE CAUSES THAT ARE DUE SOLELY OR NEARLY
28 ENTIRELY TO DISEASE OR THE AGING PROCESS.
29 ~~26.~~ 27. "Presumptive death" means a determination by a court that a
30 death has occurred or is presumed to have occurred but the human remains have
31 not been located or recovered.
32 ~~27.~~ 28. "Register" means to assign an official state number and to
33 incorporate into the state registrar's official records.
34 ~~28.~~ 29. "Responsible person" means a person listed in section 36-831.
35 ~~29.~~ 30. "Seal" means to bar from access.
36 ~~30.~~ 31. "Submit" means to present, physically or electronically, a
37 certificate, evidentiary document or form provided for in this chapter to a
38 local registrar, a deputy local registrar or the state registrar.
39 ~~31.~~ 32. "System of public health statistics" means the processes and
40 procedures for:
41 (a) Tabulating, analyzing and publishing public health information
42 derived from vital records data and other sources authorized pursuant to
43 section 36-125.05 or section 36-132, subsection A, paragraph 3.
44 (b) Performing other activities related to public health information.

1 F. When the medical examiner determines the cause of death, the
2 medical examiner shall submit the information to the local registrar, deputy
3 local registrar or state registrar.

4 G. If a person under the current care of a ~~physician or nurse~~
5 ~~practitioner~~ HEALTH CARE PROVIDER for ~~a potentially fatal illness~~ AN ACUTE OR
6 CHRONIC MEDICAL CONDITION dies of that ~~illness, the physician or nurse~~
7 ~~practitioner, if available,~~ CONDITION, OR COMPLICATIONS ASSOCIATED WITH THAT
8 CONDITION, THE HEALTH CARE PROVIDER OR A HEALTH CARE PROVIDER DESIGNATED BY
9 THAT PROVIDER shall complete and sign the medical certification of death on a
10 death certificate within seventy-two hours. If ~~the physician or nurse~~
11 ~~practitioner is not available~~ CURRENT CARE HAS NOT BEEN PROVIDED, the medical
12 examiner shall complete and sign the medical certification of death on a
13 death certificate within seventy-two hours after the examination, excluding
14 weekends and holidays.

15 ~~H. If a person dies in a hospital, nursing care institution or hospice~~
16 ~~inpatient facility, the following person shall complete and sign the medical~~
17 ~~certification of death within seventy-two hours of the death:~~

18 ~~1. If the person is under the care of a nurse practitioner, the nurse~~
19 ~~practitioner or attending physician, if available.~~

20 ~~2. If the person is not under the care of a nurse practitioner, the~~
21 ~~attending physician, if available.~~

22 ~~3. If the nurse practitioner or attending physician is not available,~~
23 ~~the medical examiner.~~

24 H. IF A PERSON DIES IN A HOSPITAL, NURSING CARE INSTITUTION OR HOSPICE
25 INPATIENT FACILITY OF NATURAL CAUSES, THE HOSPITAL, NURSING CARE INSTITUTION
26 OR FACILITY SHALL DESIGNATE A HEALTH CARE PROVIDER TO COMPLETE AND SIGN THE
27 MEDICAL CERTIFICATION OF DEATH WITHIN SEVENTY-TWO HOURS.

28 I. If a person dies on an Indian reservation in this state and a
29 county medical examiner is not available, the tribal law enforcement
30 authority, acting in an official investigative capacity, may complete and
31 sign the medical certification of death.

32 J. If the place of death is unknown, the death is considered to have
33 occurred in the place where the human remains were found.

34 K. If a person dies in a moving conveyance, the death is considered to
35 have occurred in the place where the human remains were initially removed
36 from the conveyance. In all other cases, the place where death is pronounced
37 is considered the place where the death occurred.

38 L. The state registrar shall create and register a death certificate
39 when the state registrar receives a court order of a presumptive death. The
40 court order shall contain the following information, if known:

41 1. The decedent's name, social security number, date of birth, date of
42 death, cause of death and location of death.

43 2. Any other information necessary to complete a death certificate for
44 a presumptive death.

1 M. If a murder victim's body is not recovered, a conviction for the
2 murder is proof of death. The court shall forward a record of the conviction
3 to the state registrar. The state registrar shall obtain the personal data
4 regarding the murder victim from information provided by the court, a family
5 member of the murder victim or another reliable source and create and
6 register the death certificate.

7 ~~N. For the purposes of this section:~~

8 ~~1. "Medical certification" means confirmation of a cause of death.~~

9 ~~2. "Physician" means a person who is licensed pursuant to title 32,~~
10 ~~chapter 13, 14 or 17.~~

11 N. A HEALTH CARE PROVIDER WHO COMPLETES AND SIGNS A MEDICAL
12 CERTIFICATION OF DEATH IN GOOD FAITH PURSUANT TO THIS SECTION IS NOT SUBJECT
13 TO CIVIL LIABILITY OR PROFESSIONAL DISCIPLINARY ACTION.