

FACT SHEET FOR H.B. 2370

Death Certificates

Purpose

Expands the types of health care providers who can sign medical certificates of death and provides protection from liability for good faith completion.

Background

Current law defines *medical certification of death* as confirmation of a cause of death. Arizona statute and the Department of Health Services (DHS) rules outline procedures and requirements for completing a medical certification of the cause of death and registering a death certificate.

Specifically, if a person under the current care of a physician or nurse practitioner dies of a potentially fatal illness, the physician or nurse practitioner is required to complete and sign the medical certification of death within 72 hours, if available. If unavailable, the medical examiner is required to complete and sign the medical certification of death within 72 hours after the examination, excluding weekends and holidays (A.R.S. § 36-325).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Defines *medical certification of death* as the opinion of the health care provider who signs the certificate of probable or presumed cause of death that complies with rules adopted by the State Registrar of Vital Records and that is based on any of the following that are reasonably available:
 - a) personal examination;
 - b) medical history;
 - c) medical records; and
 - d) other reasonable forms of evidence.
2. Specifies that if a person under the current care of a health care provider for an acute or chronic medical condition dies of that condition, or of associated complications, the provider or designee shall complete and sign the medical certification of death on a death certificate within 72 hours.
3. Requires a hospital, nursing care institution or facility to designate a health care provider to complete and sign the medical certification of death within 72 hours if the person dies of natural causes.

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4. Exempts a health care provider who completes and signs a medical certification of death in good faith pursuant to statute from civil liability or professional disciplinary action.
5. Requires the medical examiner to complete and sign the medical certification of death within 72 business hours after the examination, if current care has not been provided by a health care provider. Eliminates the requirement for the examiner to sign when the nurse practitioner and attending physician are not available.
6. Entitles the county or alternate medical examiner to all medical records and related records of a person for whom the examiner is required to certify cause of death.
7. Requires any person with knowledge of a human death to notify the nearest peace officer of all information regarding the death, if it occurred when not under the current care of a health care provider.
8. Defines *natural causes* and *current care* and integrates the definitions of *midwife*, *nurse practitioner* and *physician* into *health care provider*.
9. Defines *health care provider* as a licensed doctor, midwife or nurse midwife, nurse practitioner, physician assistant or health care provider qualified by another state or jurisdiction of the United States and who works in a federal health care facility.
10. Makes technical and conforming changes.
11. Becomes effective on August 2, 2012.