Diabetes Notation on Death Certificates

This Act requires death certificates to include questions as to whether the deceased had diabetes, and if diabetes was an underlying cause or contributing condition to death. The purpose is to allow the state department of health to better understand and more accurately report on the prevalence of diabetes and its impact in the state.

Submitted as:
Kentucky
SB 113 (as introduced)
Status: enacted into law in 2002.

Suggested Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act may be cited as “An Act Relating To Death Certificates.”

Section 2. [Certificates of Death, Provisional Certificates of Death.]

(1) A certificate of death or a provisional certificate of death for each death which occurs in this State shall be filed with the [insert agency] or as otherwise directed by the [state registrar] prior to final disposition, and it shall be registered if it has been completed and filed in accordance with this section. The funeral director, or person acting as such, who first takes custody of a dead body shall be responsible for filing the certificate of death. The funeral director, or person acting as such shall obtain the required personal and statistical particulars from the person best qualified to supply them over the signature and address of the informant. The funeral director, or person acting as such, shall within [five (5)] days of the death, present the certificate to the attending physician, if any, or to the health officer or coroner as directed by the [state registrar], for the medical certificate of the cause of death and other particulars necessary to complete the record as required by this Act.

(a) It shall be unlawful for an institution to release a dead human body until the funeral director, or person acting as such, has completed and filed with the local registrar or person in charge of the institution, a provisional certificate of death. If death occurs outside an institution, the provisional certificate shall be filed with the local registrar by the funeral director, or person acting as such, prior to final disposition of the dead body. A copy of the provisional certificate of death signed by the person with whom it was filed, shall constitute authority for the possession, transportation, and, except for cremation, final disposition of the body.

(b) All persons having in their possession a completed provisional certificate of death shall file the certificate at not more than weekly intervals with the local registrar.

(c) If the place of death is unknown but the dead body is found in this State, the certificate of death shall be completed and filed in accordance with this section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation subject to amendment upon completion of any postmortem examination required to be performed.

(d) If death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this State, the death shall be registered in this State, and the place where it is first removed shall be considered the place of death. If a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in the State, the death shall be registered in this State, but the certificate shall show the actual place of death insofar as can be determined.

(2) If any certificate of death is incomplete or unsatisfactory, the [state registrar] shall call attention to the defects in the certificate and require the person responsible for the entry to complete or correct it. The
(3) The medical certification shall be completed, signed, and returned to the funeral director within [five (5)] working days after presentation to the physician, dentist, or chiropractor in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by [insert citation]. In such cases, the coroner shall complete and sign the certificate within [five (5)] days after receiving results of the inquiry as required by [insert citation]. In the absence of the physician, dentist, or chiropractor, or with such person's approval, the certificate may be completed and signed by his associate physician, dentist, or chiropractor, or the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, or a physician employed by the local health department, if the individual has access to the medical history of the case and death is due to natural causes.

(4) If death occurs more than [thirty-six (36)] hours after the decedent was last treated or attended by a physician, dentist, or chiropractor, the case shall be referred to the coroner for investigation to determine and certify the cause of death. In the event that a coroner is not available to sign the certificate and there is no duly appointed deputy, the county judge/executive shall appoint a competent person to investigate the death and certify to its cause.

(5) (a) The physician, dentist, chiropractor, or coroner who certifies to the cause of death shall return the certificate to the funeral director, or person acting as such, who, in turn, shall file the certificate directly with the [office of vital statistics]. Any certified copies of the record requested at the time of filing shall be issued in not more than [two (2)] working days.

(b) In the case of a death in which diabetes was an immediate, underlying, or contributing cause of or condition leading to death, the physician, dentist, chiropractor, or coroner who certifies to the cause of death shall check "yes" for each of the following questions on the death certificate:

1. "Did the deceased have diabetes?"
2. "Was diabetes an immediate, underlying, or contributing cause of or condition leading to death?"

(6) The [office of vital statistics] shall provide self-addressed, color-coded envelopes for the funeral homes in this State.

(7) [Three (3)] free verification-of-death statements shall be provided to the funeral director by the [office of vital statistics] for every death in this State.

(8) The body of any person whose death occurs in this State shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into any registration district, until a provisional certificate of death has been filed with the local registrar of the registration district in which the death occurs. If the death occurred from a disease declared by the [cabinet for health services] to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under conditions prescribed by the [cabinet for health services] and the local health department. The [cabinet for health services] shall identify by regulation those communicable diseases which require blood and body fluid precautions. If a person who has been diagnosed as being infected with a communicable disease for which blood and body fluid precautions are required, dies within a health facility as defined in [insert citation], the facility shall notify any embalmer or funeral director to whom the body will be transported of the need for such precautions. The notice shall be provided by including the statement "Blood and Body Fluid Precautions" on the provisional report-of-death form as prescribed by the [cabinet for health services]. Lack of this notice shall not relieve any embalmer or funeral director from taking universal blood and body fluid precautions as are recommended by the United States Department of Health and Human Services, Centers for Disease Control for Morticians' Services. No embalmer or funeral director shall charge more for embalming the remains of a person with a communicable disease which requires blood and body fluid precautions than the price for embalming services listed on the price list funeral providers are required to maintain and provide to consumers pursuant to [insert citation].

(9) A burial-transit permit for the final disposition issued under the law of another state which accompanies a dead body or fetus brought into this state shall be the authority for final disposition of the body or fetus in the state and may be accepted in lieu of a certificate of death. There shall be noted on the face of
the record made for return to the local registrar that the body was shipped to this state for interment and the actual place of death.

(10) Nothing in this section shall be construed to delay, beyond a reasonable time, the interment or other disposition of a body unless the services of the coroner or the health officer are required or the [department for public health] deems it necessary for the protection of the public health. If compliance with this section would result in unreasonable delay in the disposition of the body the funeral director, or person acting as such, shall file with the local registrar or deputy registrar prior to interment a provisional certificate of death which shall contain the name, date, and place of death of the deceased, the name of the medical certifier, and an agreement to furnish within [ten (10)] days a complete and satisfactory certificate of death.

(11) No sexton or other person in charge of any place in which interment or other disposition of dead bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by a copy of the provisional certificate of death. The sexton, or if there is no sexton, the funeral director, or person acting as such, shall enter on the provisional certificate over his signature, the date, place, and manner of final disposition and file the certificate within [five (5)] days with the local registrar.

(12) Authorization for disinterment, transportation, and refinement or other disposition shall be required prior to disinterment of any human remains. The authorization shall be issued by the [state registrar] upon proper application. The provisions of this subsection shall apply to all manners of disposition except cremation and without regard for the time and place of death. The provisions of [insert citation] shall not apply to remains removed for scientific study and the advancement of knowledge.

(13) After a death certificate has been on file for [five (5)] years, it may not be changed in any manner except upon order of a court. Prior to that time, requests for corrections, amendments, or additions shall be accompanied by prima facie evidence which supports the requested change.

Section 3. [Certificate of Death Form Developed or Distributed by (Insert Agency).]

(1) Any certificate of death form developed or distributed by the [cabinet for health services] shall contain the following questions:

(a) “Did the deceased have diabetes?” and
(b) “Was diabetes an immediate, underlying, or contributing cause of or condition leading to death?”

(2) If the person completing the certificate of death fails to answer the questions identified in subsection (1) of this section, the [state registrar] shall call attention to the defects in the certificate and require the person responsible for the entry to complete or correct it.

Section 4. [Severability.] [Insert severability clause.]

Section 5. [Repealer.] [Insert repealer clause.]

Section 6. [Effective Date.] [Insert effective date.]