

SCS HCS HB 618 -- DISPOSITION OF HUMAN REMAIN

(Vetoed by the Governor -- Overridden by the General Assembly)

This bill authorizes an advanced practice registered nurse, assistant physician, or physician assistant who has been delegated tasks outlined by a physician with whom he or she has entered into a collaborative practice arrangement or a supervision agreement to perform specified phases of the death certification process.

The funeral director or person in charge of final disposition of the body must enter into the electronic death registration system the personal data from the next-of-kin, the medical certification from the person responsible for the certification if designated to do so, and any other information or data that may be required to be placed on the death certificate or entered into the system.

The person authorized to complete the medical certification may, in writing, designate any other person to enter the medical certification information into the electronic death registration system if the authorized person has signed a statement stating the cause of death. Any person completing the medical certification or entering data into the electronic death registration system must be immune from civil liability for the certification completion, data entry, or determination of the cause of death unless the person acts with gross negligence or willful misconduct.

The Department of Health and Senior Services must notify all physicians, physician assistants, assistant physicians, and advanced practice registered nurses of the requirements regarding the use of the electronic vital records system.

By August 30, 2015, the Division of Community and Public Health within the department must establish a working group to evaluate the electronic vital records system, develop recommendations to improve the efficiency and usability of the system, and report the findings and recommendations to the General Assembly by January 1, 2016.

The bill specifies that if a funeral director has knowledge that there is more than one person in a class who is equal in priority to choose and control the final disposition of a dead human body and who do not agree on the disposition, the decision of the majority of the people with equal priority must control the disposition. The funeral director must allow voting by proxy using a written authorization or instrument.

The bill specifies that a person or association that owns a cemetery is authorized to disinter an individual's remains and

rebury or reinter the remains at another location pursuant to written instructions signed and acknowledged by a person who is the next-of kin, as defined in statutes, at the time of death. If the next-of-kin at the time of death is no longer living, a majority of specified members of the deceased person's family may authorize the disinterment.

Currently, the cemetery owner is not liable to the deceased person's family or to any third party for a disinterment, relocation, or delivery of deceased human remains made pursuant to specified provisions. The bill specifies that the cemetery operator, funeral director, funeral establishment, or any other person or entity involved in the process must also not be liable.