Senate Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 19

SENATE BILL 1104

AN ACT

AMENDING SECTIONS 11-593, 11-594 AND 36-325, ARIZONA REVISED STATUTES; RELATING TO THE COUNTY MEDICAL EXAMINER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 11-593, Arizona Revised Statutes, is amended to read:

11-593. Reporting of certain deaths; failure to report; classification

A. Any person having knowledge OF THE OCCURRENCE of the death of a human being including a fetal death THAT IS REQUIRED TO BE REPORTED PURSUANT TO SUBSECTION B, OF THIS SECTION shall promptly notify the nearest peace officer of all information in the person's possession regarding the death and the circumstances surrounding it. ~~under any of the following circumstances:~~

B. REPORTING IS REQUIRED IN THE FOLLOWING CIRCUMSTANCES:

1. Death when not under the current care of a health care provider as defined pursuant to section 36-301.

2. Death resulting from violence.

3. UNEXPECTED OR UNEXPLAINED death ~~occurring suddenly when in apparent good health~~.

4. Death ~~occurring in a prison~~ OF A PERSON IN A CUSTODIAL AGENCY AS DEFINED IN SECTION 13-4401.

~~5. Death of a prisoner.~~

5. UNEXPECTED OR UNEXPLAINED DEATH OF AN INFANT OR CHILD.

6. Death occurring in a suspicious, unusual or ~~unnatural~~ NONNATURAL manner, INCLUDING DEATH FROM AN ACCIDENT BELIEVED TO BE RELATED TO THE DECEASED PERSON'S OCCUPATION OR EMPLOYMENT.

~~7. Death from disease or an accident believed to be related to the deceased's occupation or employment.~~

~~8. Death believed to present a public health hazard.~~

~~9.~~ 7. Death occurring ~~during, in association with or~~ as a result of anesthetic or surgical procedures.

8. DEATH SUSPECTED TO BE CAUSED BY A PREVIOUSLY UNREPORTED OR UNDIAGNOSED DISEASE THAT CONSTITUTES A THREAT TO PUBLIC SAFETY.

~~10.~~ 9. Death involving unidentifiable bodies.

~~B.~~ C. The peace officer shall promptly notify the county medical examiner or alternate medical examiner and, except in deaths occurring ~~during, in association with or~~ as a result of surgical or anesthetic procedures ~~from natural diseases~~, shall ~~promptly~~ make or cause to be made an investigation of the facts and circumstances surrounding the death and report the results to the medical examiner or alternate medical examiner. If there is no county medical examiner or alternate medical examiner appointed and serving within the county, the county sheriff shall be notified by the peace officer and the sheriff shall in turn notify and secure a licensed physician having the qualifications of an alternate medical examiner to ~~perform the death investigation or to arrange for an autopsy~~ ASSUME THE POWERS AND DUTIES PRESCRIBED BY SECTION 11-594.

~~C.~~ D. Every person who knows of the existence of a body where death occurred as specified in subsection A of this section and who knowingly fails

to notify the nearest peace officer as soon as possible unless the person has good reason to believe that notice has already been given is guilty of a class 2 misdemeanor.

~~D.~~ E. If the deceased was under treatment for an accident or illness by prayer or spiritual means alone, in accordance with the tenets and practices of a well-recognized church or religious denomination, and death occurred without a physician or nurse practitioner in attendance, the person who has knowledge of the death shall report all information in the person's possession regarding the death and circumstances surrounding it directly to the county medical examiner or the alternate medical examiner who may waive an external examination or autopsy if the county medical examiner or alternate medical examiner is satisfied that the death of the person resulted from natural causes.

~~E.~~ F. Each county shall provide to the department of public safety fingerprints of all deceased persons for whom the circumstances of death require an external examination or autopsy and whose deaths are required to be investigated pursuant to this section. These fingerprints shall be on a form provided by the department of public safety and shall be accompanied by any other information regarding the physical description and the date and place of death the department of public safety requires. Fingerprints taken pursuant to this section shall be used only for the purpose of purging criminal history files. All information and data in the department of public safety that are furnished in compliance with this section are confidential and may be disclosed only on written approval of the director of the department of public safety to the juvenile court, social agencies and public health and law enforcement agencies licensed or regulated by this state.

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

11-594. <u>Powers and duties of county medical examiner</u>

A. The county medical examiner or alternate medical examiner shall direct a death investigation~~, shall determine whether an external examination or autopsy is required~~ and ON A DETERMINATION THAT THE CIRCUMSTANCES OF THE DEATH PROVIDE JURISDICTION PURSUANT TO SECTION 11-593, SUBSECTION A shall:

1. Take charge of the dead body.

2. DETERMINE IF AN AUTOPSY IS REQUIRED.

~~2.~~ 3. Certify to the cause and manner of death following completion of the death investigation, ~~unless the medical examiner or alternate medical examiner determines there is no jurisdiction pursuant to section 11-593,~~ reduce the findings to writing and promptly make a full report on forms prescribed for that purpose.

~~3.~~ 4. Have subpoena authority for all documents, records and papers deemed useful in the death investigation.

~~4.~~ 5. Execute a death certificate provided by the state registrar of vital statistics indicating the cause and the manner of death for those bodies for which a death investigation has been conducted and jurisdiction is assumed.

~~5.~~ 6. Give approval for cremation of a dead body after a death investigation and record the approval on the death certificate.

~~6.~~ 7. Notify the county attorney or other law enforcement authority when death is found to be from ~~other than natural~~ NONNATURAL causes.

~~7.~~ 8. Carry out the duties specified under section 28-668.

~~8.~~ 9. Carry out the duties specified under title 36, chapter 7, article 3.

~~9.~~ 10. Observe all policies adopted by the board of supervisors regarding conflicts of interest and disclosure of noncounty employment.

B. The county medical examiner or alternate medical examiner may:

1. Assign to a medical death investigator or other qualified personnel all aspects of a death investigation except the performance of autopsies.

2. Authorize forensic pathologists to perform examinations and autopsies. The medical examiner or alternate medical examiner may authorize medical students or residents and fellows in pathology training to perform autopsies under the supervision of a licensed physician who is board certified in ~~anatomic~~ FORENSIC pathology, pursuant to procedures adopted by the county medical examiner or alternate medical examiner. Authorization and the amount to be paid by the county for pathology services are subject to approval of the board of supervisors.

3. Delegate any power, duty or function whether ministerial or discretionary vested by this chapter in the medical examiner or alternate medical examiner to a person meeting the qualifications prescribed in this chapter who is employed by or who has contracted with the county to provide death investigation services. The medical examiner or alternate medical examiner shall be responsible for the official acts of the person designated pursuant to this section and shall act under the name and authority of the medical examiner or alternate medical examiner.

4. Authorize the taking of organs and tissues as they prove to be usable for transplants, other treatment, therapy, education or research if all of the requirements of title 36, chapter 7, article 3 are met. The medical examiner or alternate medical examiner shall give this authorization within a time period that permits a medically viable donation.

5. Authorize licensed physicians, surgeons or trained technicians to remove parts of bodies provided they follow an established protocol approved by the medical examiner or alternate medical examiner.

6. Limit the removal of organs or tissues for transplants or other therapy or treatment if, based on a review of available medical and investigative information within a time that permits a medically viable donation, the medical examiner or alternate medical examiner makes an initial determination that their removal would interfere with a medical examination, autopsy or certification of death. Before making a final decision to limit the removal of organs, the medical examiner or alternate medical examiner shall consult with the organ procurement organization. After the consultation and when the organ procurement organization provides information

that the organ procurement organization reasonably believes could alter the initial decision and at the request of the organ procurement organization, the medical examiner or alternate medical examiner shall conduct a physical examination of the body. If the medical examiner or alternate medical examiner limits the removal of organs, the medical examiner or alternate medical examiner shall maintain documentation of this decision and shall make the documentation available to the organ procurement organization.

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

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

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

F. The county medical examiner or alternate medical examiner is entitled to all medical records and related records of a person for whom the medical examiner is required to certify cause of death.

Sec. 3. Section 36-325, Arizona Revised Statutes, is amended to read:

36-325. Death certificate registration; moving human remains; immunity

A. Within seven calendar days after receiving possession of human remains, a funeral establishment or responsible person who takes possession of the human remains shall:

1. Obtain and complete the information, including the social security number of the decedent, on the death certificate required pursuant to this chapter and rules adopted pursuant to this chapter.

2. Provide on the death certificate the name and address of the person completing the death certificate.

3. Submit the death certificate for registration to a local registrar, a deputy local registrar or the state registrar. The funeral establishment or responsible person may submit the death certificate by electronic means in the format prescribed by the state registrar.

B. Within seventy-two hours after receiving a death certificate pursuant to this section, a local registrar, a deputy local registrar or the state registrar shall register a death certificate if it is accurate and complete and submitted pursuant to this chapter and rules adopted pursuant to this chapter.

C. ~~Except as provided in subsection F of this section, if a person dies under any of the circumstances described in~~ IF A COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER DETERMINES THAT THE CIRCUMSTANCES OF A DEATH PROVIDE JURISDICTION PURSUANT TO section 11-593, subsection ~~A~~ B, the medical

examiner OR ALTERNATE MEDICAL EXAMINER shall complete and sign the medical certification of death on a death certificate within seventy-two hours after the examination, excluding weekends and holidays. If the medical examiner OR ALTERNATE MEDICAL EXAMINER cannot determine the cause of death within that time, the medical examiner OR ALTERNATE MEDICAL EXAMINER shall enter "pending" for the cause of death and sign the medical certification of death within seventy-two hours after the examination, excluding weekends and holidays.

D. A local registrar, a deputy local registrar or the state registrar shall register a death certificate if there is a medical certification of death signed by the medical examiner OR ALTERNATE MEDICAL EXAMINER with a pending cause of death.

E. Final disposition of human remains with a pending cause of death shall not occur until the medical examiner OR ALTERNATE MEDICAL EXAMINER releases the human remains for final disposition.

F. When the medical examiner OR ALTERNATE MEDICAL EXAMINER determines the cause of death, the medical examiner OR ALTERNATE MEDICAL EXAMINER shall submit the information to the local registrar, deputy local registrar or state registrar.

G. If a person under the current care of a health care provider for an acute or chronic medical condition dies of that condition, or complications associated with that condition, the health care provider or a health care provider designated by that provider shall complete and sign the medical certification of death on a death certificate within seventy-two hours. If current care has not been provided, the medical examiner OR ALTERNATE MEDICAL EXAMINER shall complete and sign the medical certification of death on a death certificate within seventy-two hours after the examination, excluding weekends and holidays.

H. If a person dies in a hospital, nursing care institution or hospice inpatient facility of natural causes, the hospital, nursing care institution or facility shall designate a health care provider to complete and sign the medical certification of death within seventy-two hours.

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

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

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

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

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

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

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

N. A health care provider who completes and signs a medical certification of death in good faith pursuant to this section is not subject to civil liability or professional disciplinary action.

APPROVED BY THE GOVERNOR MARCH 14, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 15, 2016.

Passed the House March 10, 2016,

by the following vote: 55 Ayes,

2 Nays, 3 Not Voting

Speaker of the House Pro Tempore

Jim Drake
Chief Clerk of the House

Passed the Senate February 11, 2016,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Susan Aceves
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14th day of March, 2016,

at 1:52 o'clock P. M.

Secretary to the Governor

Approved this 14th day of

March, 2016,

at 4:23 o'clock P M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 15 day of March, 2016,

at 9:47 o'clock A M.

Michele Reagan
Secretary of State

S.B. 1104