

House Bill 44

By: Representative Sims of the 169<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 31-10-15 of the Official Code of Georgia Annotated, relating to  
2 death certificates, so as to provide that death certificates must be completed by the attending  
3 physician or other appropriate person within 72 hours following the death of an individual  
4 in a hospice, nursing home, or hospital; to provide for exceptions; to provide for certain  
5 notices; to provide for sanctions for failure to comply; to provide for related matters; to  
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 31-10-15 of the Official Code of Georgia Annotated, relating to death  
10 certificates, is amended by revising the Code section as follows:

11 "31-10-15.

12 (a) A certificate of death for each death which occurs in this state shall be filed with the  
13 local registrar of the county in which the death occurred or the body was found within ten  
14 days after the death as follows:

15 (1) If the place of death is unknown but the dead body is found in this state, the  
16 certificate of death shall be completed and filed in accordance with this Code section.  
17 The place where the body is found shall be shown as the place of death. If the date of  
18 death is unknown, it shall be the date the body was found and the certificate marked as  
19 such; or

20 (2) When death occurs in a moving conveyance in the United States and the body is first  
21 removed from the conveyance in this state, the death shall be registered in this state and  
22 the place where it is first removed shall be considered the place of death. When a death  
23 occurs on a moving conveyance while in international waters or airspace or in a foreign  
24 country or its airspace and the body is first removed from the conveyance in this state,  
25 the death shall be registered in this state but the certificate shall show the actual place of  
26 death insofar as can be determined.

1 (b) The funeral director or person acting as such who first assumes custody of the dead  
 2 body shall file the certificate of death. Such director or person shall obtain the personal  
 3 data from the next of kin or the best qualified person or source available and shall obtain  
 4 the medical certification from the person responsible therefor.

5 (c) In the circumstance of a death that occurs in a hospice, nursing home, assisted living  
 6 facility, or hospital in this state, the ~~The~~ medical certification as to the cause and  
 7 circumstances of death shall be completed, signed, and returned to the funeral director or  
 8 person acting as such within 72 hours after death by the physician in charge of the patient's  
 9 care for the illness or condition which resulted in death, ~~except when inquiry is required~~  
 10 ~~by Article 2 of Chapter 16 of Title 45, the 'Georgia Death Investigation Act.'~~ In all other  
 11 circumstances, the medical certification as to the cause and circumstances of death shall  
 12 be completed, signed, and returned to the funeral director or person acting as such within  
 13 72 hours after death by the physician in charge of the patient's care for the illness or  
 14 condition which resulted in death or such other appropriate individual under this Code  
 15 section. In the absence of said physician or with that physician's approval the certificate  
 16 may be completed and signed by an associate physician, the chief medical officer of the  
 17 institution in which death occurred, or the physician who performed an autopsy upon the  
 18 decedent, provided that such individual has access to the medical history of the case, views  
 19 the deceased at or after death, and death is due to natural causes.

20 (d) When death occurs without medical attendance as set forth in subsection (c) of this  
 21 Code section or when inquiry is required by Article 2 of Chapter 16 of Title 45, the  
 22 'Georgia Death Investigation Act,' the proper person shall investigate the cause of death and  
 23 shall complete and sign the medical certification portion of the death certificate within 30  
 24 ~~days~~ 72 hours after being notified of the death.

25 (e) If the cause of death cannot be determined or the medical certification of the cause and  
 26 circumstances of death cannot be made within ~~48~~ 72 hours after death, the ~~medical~~  
 27 ~~certification shall be completed as provided by regulation.~~ The attending physician,  
 28 medical examiner, or coroner shall give the funeral director or person acting as such and  
 29 the local registrar of the county written notice of the reason for the delay within five  
 30 business days following such death or receiving notice of such death, as the case may be,  
 31 and final disposition of the body shall not be made until authorized by the attending  
 32 physician, coroner, or medical examiner. If the attending physician fails to complete, sign,  
 33 and return the medical certification as to cause and circumstances of death to the funeral  
 34 director or the person acting as such as provided in subsection (c) of this Code section and  
 35 fails to give written notice of the reason for the delay in providing such medical  
 36 certification as provided in this subsection, the funeral director or person acting as such or  
 37 the local registrar of the county shall notify the Composite State Board of Medical

1 Examiners of such failure within ten business days following such death and, upon  
2 receiving such notice, the Composite State Board of Medical Examiners shall immediately  
3 suspend the license of the attending physician to practice medicine in this state until such  
4 time as the medical certification is completed, signed, and delivered to the funeral director  
5 or person acting as such.

6 (f) When death occurs on or after July 1, 1985, in a county other than the county of the  
7 residence of the deceased person, a copy of such person's death certificate shall be  
8 forwarded as soon as practicable by the department to the custodian of records of the  
9 county of the residence of such deceased person. The custodian of records shall file such  
10 death certificate as a part of the permanent records of such office.

11 (g) By the twentieth day of each month, the state registrar shall furnish to the Secretary of  
12 State's office, in a format prescribed by the Secretary's office, a list of those persons for  
13 whom death certificates have been filed during the preceding month. Such list shall be used  
14 by the Secretary of State to notify local registration officers for the purpose of purging the  
15 voter registration list of each county."

16 **SECTION 2.**

17 All laws and parts of laws in conflict with this Act are repealed.