~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 28, 2015

**S. 176**

Introduced by Senator Alexander

S. Printed 5/28/15--H.

Read the first time April 28, 2015.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (S. 176) to amend Section 44‑63‑74(a) of the 1976 Code, relating to electronic filing and transmission of death certificates, to provide that death certificates must be, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 1, page 3, by striking Section 44-63-74(A)(5) and inserting:

/ (5)(a) A physician who fails to certify the cause of death within forty‑eight hours, without good cause shown, may be assessed an administrative penalty for violating item (3). The department shall notify the Board of Medical Examiners if a penalty is assessed. Each day after the initial forty‑eight hour period shall constitute an additional violation.

(b) A funeral home or funeral director who fails to file a death certificate or collect data or collect medical certification of cause of death as required in items (1), (2), or both, without good cause shown, may be assessed an administrative penalty for violating the respective item. However, the department must not assess a penalty against a funeral home or funeral director for the delay or inability to collect personal data of the decedent pursuant to item (2)(a). The department shall notify the Board of Funeral Services if a penalty is assessed. Each day after the initial five day period in item (1) shall constitute an additional violation of that item.

(c) A physician, funeral director, or funeral home that is required to file electronically pursuant to item (4) but who fails to file accordingly may be assessed an administrative penalty for violating item (4).

(d) The administrative penalties are:

(i) two hundred fifty dollars for a first violation or a warning letter;

(ii) five hundred dollars for a second violation; and

(iii) one thousand dollars for a third or subsequent violation.

(e) The department shall retain any administrative penalties collected pursuant to this subsection and must allocate all of these funds to the Bureau of Vital Statistics for its use.” /

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

Senate Bill 176 amends Section 44-63-74 by requiring death certificates to be electronically filed with the Bureau of Vital Statistics within three days after death; and that medical certifications of cause of death must be completed by the patient’s physician and returned to the funeral home director within forty-eight hours after death. The bill provides for exceptions and penalties for failure to meet deadlines. The bill amends Section 32-8-325 to authorize cremation after a death certificate abstract posted on the death certificate electronic filing system has been received by a crematory. An amendment to Section 32-8-340 allows human remains to be cremated after twenty-four hours have elapsed from the time of death as indicated on a death certificate abstract posted on the death certificate electronic filing system.

The Department of Health and Environmental Control indicates that this bill would have no expenditure impact on the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 44‑63‑74(A) OF THE 1976 CODE, RELATING TO ELECTRONIC FILING AND TRANSMISSION OF DEATH CERTIFICATES, TO PROVIDE THAT DEATH CERTIFICATES MUST BE ELECTRONICALLY FILED WITH THE BUREAU OF VITAL STATISTICS WITHIN THREE DAYS AFTER DEATH, TO PROVIDE THAT MEDICAL CERTIFICATIONS OF CAUSE OF DEATH SHALL BE COMPLETED AND RETURNED TO FUNERAL HOME DIRECTORS WITHIN FORTY‑EIGHT HOURS AFTER DEATH BY THE PHYSICIAN IN CHARGE OF THE PATIENT’S CARE FOR THE ILLNESS OR CONDITION WHICH RESULTED IN DEATH, EXCEPT WHEN INQUIRY IS REQUIRED BY CORONER OR MEDICAL EXAMINER, TO PROVIDE THAT IF THE CAUSE OF DEATH CANNOT BE DETERMINED WITHIN FORTY‑EIGHT HOURS AFTER DEATH, A MEDICAL CERTIFICATION SHALL BE ENTERED AS PENDING AND A SUPPLEMENTAL REPORT SHALL BE FILED WITH THE BUREAU OF VITAL STATISTICS AND THIS REPORT SHALL BE MADE PART OF THE DEATH CERTIFICATE, AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 32‑8‑325(A)(1), RELATING TO THE RECEIPT OF INSTRUCTIONS FOR CREMATION, TO PROVIDE THAT A DEATH CERTIFICATE ABSTRACT IS SUFFICIENT TO AUTHORIZE CREMATIONS; AND TO AMEND SECTION 32‑8‑340(A), RELATING TO THE TIME PERIOD PRIOR TO CREMATION, TO CONFORM TO AMENDMENTS ALLOWING FOR THE USE OF A DEATH CERTIFICATE ABSTRACT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑63‑74(A) of the 1976 Code is amended to read:

“(A)(1) Notwithstanding any other provision of law, death certificates must be electronically filed with the Bureau of Vital Statistics as prescribed by the State Registrar of Vital Statistics within five days after death.

(2) The funeral director or other person acting as the funeral director who first assumes custody of a dead body shall file a death certificate. He also shall obtain:

(a) the personal data of the decedent from the next of kin or the best qualified person or source available; and

(b) the medical certification of cause of death as provided in department regulations.

(3) Medical certifications of cause of death must be completed and returned to the funeral home director within forty‑eight hours after receipt of notice of the death by the physician in charge of the patient’s care for the illness or condition which resulted in death, except when an inquiry is required by a coroner or medical examiner. If the cause of death cannot be determined within forty‑eight hours after death, the medical certification must be entered as pending, and the physician, medical examiner, or coroner shall submit a supplemental report to the state registrar on a form furnished by or approved by him as soon as practicable. The supplemental report shall be made a part of the death certificate. If the forty‑eight hour period terminates on a weekend, federal holiday, or state holiday, the physician must file the certification by the end of the next business day. In the absence of this physician or with his approval, the certificate may be completed by his associate physician, the chief medical officer of the institution in which the death occurred, or by the pathologist who performed an autopsy upon the decedent.

(4) Death certificates must be transmitted electronically between the funeral home director and the physician, coroner, or medical examiner certifying the cause of death in order to document the death certificate information prescribed by this chapter. Required signatures on death certificates must be provided by electronic signature. An individual who acts, without compensation, as a funeral director on behalf of a deceased family member or friend, physicians certifying fewer than twelve deaths per year, and funeral homes that perform fewer than twelve funerals per year are exempt from ~~this~~ the requirement to file electronically but must comply with the requirements of items (2) or (3), as applicable.

(5)(a) A physician who fails to certify the cause of death within forty‑eight hours, without good cause shown, may be assessed an administrative penalty for violating item (3) and the department shall notify the Board of Medical Examiners if a penalty is assessed. Each day after the initial forty‑eight hour period shall constitute an additional violation.

(b) A funeral home or funeral director who fails to file a death certificate or collect data or collect medical certification of cause of death as required in items (1), (2), or both, without good cause shown, may be assessed an administrative penalty for violating the respective item and the department shall notify the Board of Funeral Services if a penalty is assessed. Each day after the initial five day period in item (1) shall constitute an additional violation of that item.

(c) A physician, funeral director, or funeral home that is required to file electronically pursuant to item (4) but who fails to file accordingly may be assessed an administrative penalty for violating item (4).

(d) The administrative penalties are:

(i) two hundred fifty dollars for a first violation or a warning letter;

(ii) five hundred dollars for a second violation; and

(iii) one thousand dollars for a third or subsequent violation.

(e) The department shall retain any administrative penalties collected pursuant to this subsection and must allocate all of these funds to the Bureau of Vital Statistics for its use.”

SECTION 2. Section 32‑8‑325(A)(1) of the 1976 Code is amended to read:

“(A) A crematory authority shall not cremate human remains until it has received all of the following:

(1)(a) ~~A~~ An abstract of information from a filed death certificate available on the electronic vital records system or a certified copy of the death certificate; however, if the decedent was pronounced dead during hours the department was not open to the public, a completed copy of the death certificate, excluding the signature of the State Registrar of Vital Statistics, signed by the attending physician, coroner, or medical examiner must be provided to the crematory authority; the death certificate signed by the registrar must be filed the next working day of the department and a certified copy must be provided to the crematory authority.”

SECTION 3. Section 32‑8‑340(A) of the 1976 Code is amended to read:

“(A) Human remains may not be cremated before twenty‑four hours have elapsed from the time of death as indicated on the attending physician’s, medical examiner’s, ~~or~~ coroner’s certificate of death, or an abstract of information from a filed death certificate available on the electronic vital records system. However, if it is known that the decedent had an infectious or dangerous disease and if the time requirement is waived in writing by the attending physician, medical examiner, or coroner in the county in which the death occurred, the remains may be cremated before twenty‑four hours have elapsed.”

SECTION 4. This act takes effect January 1, 2016.

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