

IN THE SENATE

SENATE BILL NO. 1263

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1
2 RELATING TO VITAL STATISTICS; AMENDING SECTION 39-241, IDAHO CODE, TO RE-
3 VISE A DEFINITION AND TO CLARIFY THE ROLE OF AN ADVANCED PRACTICE REGIS-
4 TERED NURSE; AMENDING SECTION 39-260, IDAHO CODE, TO REVISE TERMINOLOGY
5 AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 39-268, IDAHO
6 CODE, TO REVISE TERMINOLOGY.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 39-241, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 39-241. DEFINITIONS. For the purposes of this chapter and this chap-
11 ter only, the following terms shall be construed to have the meanings here-
12 inafter set forth:

13 (1) "Adoptive parent" means an adult who has become a parent of a child
14 through the legal process of adoption.

15 (2) "Advanced practice ~~professional~~ registered nurse" means a
16 ~~professional~~ registered nurse licensed in this state who has gained addi-
17 tional specialized knowledge, skills and experience ~~through a nationally~~
18 ~~accredited program of study and is authorized to perform advanced nursing~~
19 ~~practice~~ as defined in section 54-1402, Idaho Code, and includes the follow-
20 ing four (4) roles: certified nurse midwives and midwife; clinical nurse
21 specialist; certified nurse practitioners; and certified registered nurse
22 anesthetist as defined in by the same section applicable board of nursing
23 rule.

24 (3) "Board" means the Idaho state board of health and welfare.

25 (4) "Certified copy" means the reproduction of an original vital record
26 by typewritten, photographic or electronic means. Such reproductions, when
27 certified by the state registrar, shall be used as the original.

28 (5) "Consent" means a verified written statement which has been nota-
29 rized.

30 (6) "Dead body" means a lifeless human body or such parts of the human
31 body or the bones thereof from the state of which it reasonably may be con-
32 cluded that death occurred.

33 (7) "Director" means the director of the department of health and wel-
34 fare.

35 (8) "Fetal death" means death prior to the complete expulsion or ex-
36 traction from its mother of a product of human conception, irrespective of
37 the duration of pregnancy; the death is indicated by the fact that after such
38 expulsion or extraction, the fetus does not breathe or show any other evi-
39 dence of life such as beating of the heart, pulsation of the umbilical cord,
40 or definite movement of voluntary muscles.

41 (a) "Induced termination of pregnancy (induced abortion)" means the
42 purposeful interruption of pregnancy with an intention other than to

1 produce a live-born infant or to remove a dead fetus and which does not
2 result in a live birth.

3 (b) "Spontaneous fetal death" means the expulsion or extraction of a
4 product of human conception resulting in other than a live birth and
5 which is not an induced termination of pregnancy.

6 (9) "Identifying information" includes the following information:

7 (a) The name of the qualified adoptee before placement in adoption;

8 (b) The name and address of each qualified birthparent as it appears in
9 birth records;

10 (c) The current name, address and telephone number of the qualified
11 adult adoptee; and

12 (d) The current name, address and telephone number of each qualified
13 birthparent.

14 (10) "Live birth" means the complete expulsion or extraction from its
15 mother of a product of human conception, irrespective of the duration of
16 pregnancy, which, after such expulsion or extraction, breathes, or shows
17 any other evidence of life such as beating of the heart, pulsation of the um-
18 bilical cord, or definite movement of voluntary muscles, whether or not the
19 umbilical cord has been cut or the placenta is attached. Heartbeats are to be
20 distinguished from transient cardiac contractions; respirations are to be
21 distinguished from fleeting respiratory efforts or gasps.

22 (11) "Person in charge of interment" means any person who places or
23 causes to be placed a stillborn fetus or dead body or the ashes of the same,
24 after cremation, in a grave, vault, urn, or other receptacle, or otherwise
25 disposes thereof.

26 (12) "Physician" means a person legally authorized to practice medicine
27 and surgery, osteopathic medicine and surgery or osteopathic medicine in
28 this state as defined in section 54-1803, Idaho Code.

29 (13) "Physician assistant" means any person who is a graduate of an ac-
30 ceptable training program and who is otherwise qualified to render patient
31 services as defined in section 54-1803, Idaho Code.

32 (14) "Qualified adult adoptee" means an adopted person eighteen (18)
33 years of age or older who was born in Idaho.

34 (15) "Qualified adult birth sibling" means a genetic, biological, or
35 natural brother or sister or half-brother or half-sister, eighteen (18)
36 years of age or older.

37 (16) "Qualified birthparent" means a genetic, biological, or natural
38 parent whose rights were voluntarily or involuntarily terminated by a court
39 or otherwise. "Birthparent" includes a man who is the parent of a child prior
40 to the termination of parental rights.

41 (17) "Record" means the original certificate of an event and any re-
42 placement thereof filed for record by virtue of authority contained in this
43 chapter, as well as instruments of any nature provided by this chapter as a
44 means of effecting replacement of certificates.

45 (18) "Registrar" means the state registrar of vital statistics or a des-
46 igned representative.

47 (19) "Relative" includes only an individual's spouse, birthparent,
48 adoptive parent, sibling, or child who is eighteen (18) years of age or
49 older.

1 (20) "Stillbirth" means a spontaneous fetal death of twenty (20) com-
2 pleted weeks gestation or more, based on a clinical estimate of gestation,
3 or a weight of three hundred fifty (350) grams (twelve and thirty-five hun-
4 dredths (12.35) ounces) or more.

5 (21) "Vital statistics" includes the registration, preparation, tran-
6 scription, collection, compilation and preservation of data pertaining to
7 births, adoptions, legitimations, deaths, stillbirths, induced termina-
8 tions of pregnancy, marital status and data incidental thereto.

9 (22) "Voluntary adoption registry" or "registry" means a place where
10 eligible persons, as described in section 39-259A, Idaho Code, may indicate
11 their willingness to have their identity and whereabouts disclosed to each
12 other under conditions specified in section 39-259A, Idaho Code.

13 SECTION 2. That Section 39-260, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 39-260. REGISTRATION OF DEATHS AND STILLBIRTHS. (1) A certificate of
16 each death which occurs in this state shall be filed with the local registrar
17 of the district in which the death occurs, or as otherwise directed by the
18 state registrar, within five (5) days after the occurrence. However, the
19 board shall, by rule and upon such conditions as it may prescribe to assure
20 compliance with the purposes of the vital statistics act, provide for the
21 filing of death certificates without medical certifications of cause of
22 death in cases in which compliance with the applicable prescribed period
23 would result in undue hardship; but provided, however, that medical certi-
24 fications of cause of death shall be provided by the certifying physician,
25 physician assistant, advanced practice ~~professional~~ registered nurse or
26 coroner to the vital statistics unit within fifteen (15) days from the filing
27 of the death certificate. No certificate shall be deemed complete until
28 every item of information required shall have been provided or its omission
29 satisfactorily accounted for. When death occurs in a moving conveyance in
30 the United States and the body is first removed from the conveyance in this
31 state, the death shall be registered in this state and the place where the
32 body is first removed shall be considered the place of death. When a death
33 occurs on a moving conveyance while in international airspace or in a foreign
34 country or its airspace and the body is first removed from the conveyance in
35 this state, the death shall be registered in this state but the certificate
36 shall show the actual place of death insofar as can be determined. If the
37 place of death is unknown but the dead body is found in this state, the cer-
38 tificate of death shall be completed and filed in accordance with this sec-
39 tion. The place where the body is found shall be shown as the place of death.
40 If the date of death is unknown, it shall be determined by approximation.

41 The person in charge of interment or of removal of the body from the dis-
42 trict shall be responsible for obtaining and filing the certificate. Said
43 person shall obtain the required information from the following persons,
44 over their respective signatures:

45 (a) Personal data shall be supplied by the person best qualified to sup-
46 ply them; and

47 (b) Except as otherwise provided, medical data shall be supplied by
48 the physician, physician assistant or advanced practice ~~professional~~
49 registered nurse who attended the deceased during the last illness, who

1 shall certify to the cause of death according to his best knowledge, in-
2 formation and belief within seventy-two (72) hours from time of death.
3 In the absence of the attending physician, physician assistant or ad-
4 vanced practice ~~professional~~ registered nurse or with said person's
5 approval the certificate may be completed and signed by said person's
6 associate, who must be a physician, physician assistant or advanced
7 practice ~~professional~~ registered nurse, the chief medical officer of
8 the institution in which death occurred, or the physician who performed
9 an autopsy upon the decedent, provided such individual has access to the
10 medical history of the case, views the deceased at or after death, and
11 death is due to natural causes.

12 (2) The person in charge of interment or of removal of the body from the
13 district shall refer the following cases to the coroner who shall make an im-
14 mediate investigation, supply the necessary medical data, and certify to the
15 cause of death:

16 (a) When no physician, physician assistant or advanced practice
17 ~~professional~~ registered nurse was in attendance during the last illness
18 of the deceased;

19 (b) When the circumstances suggest that the death occurred as a result
20 of other than natural causes; or

21 (c) When death is due to natural causes and the physician, physician
22 assistant or advanced practice ~~professional~~ registered nurse who at-
23 tended the deceased during the last illness or said person's designated
24 associate who must be a physician, physician assistant or advanced
25 practice ~~professional~~ registered nurse, is not available or is physi-
26 cally incapable of signing.

27 (3) When a death is presumed to have occurred within this state but the
28 body cannot be located, a death certificate may be prepared by the state reg-
29 istrar upon receipt of an order of a court of record of this state, which
30 shall include the finding of facts required to complete the death certifi-
31 cate. Such a death certificate shall be marked "presumptive" and shall show
32 on its face the date of registration and shall identify the court and the date
33 of decree.

34 (4) Each stillbirth, defined as a spontaneous fetal death of twenty
35 (20) completed weeks gestation or more, based on a clinical estimate of
36 gestation, or a weight of three hundred fifty (350) grams (twelve and
37 thirty-five hundredths (12.35) ounces) or more, which occurs in this state
38 shall be registered on a certificate of stillbirth within five (5) days after
39 delivery with the local registrar of the district in which the stillbirth
40 occurred. All induced terminations of pregnancy shall be reported in the
41 manner prescribed in section 39-261, Idaho Code, and shall not be reported as
42 stillbirths. No certificate shall be deemed complete until every item of in-
43 formation required shall have been provided or its omission satisfactorily
44 accounted for.

45 (a) When a stillbirth occurs in an institution, the person in charge of
46 the institution or a designated representative shall prepare the cer-
47 tificate, obtain the signature of the physician, physician assistant
48 or advanced practice ~~professional~~ registered nurse in attendance, ex-
49 cept as otherwise provided in subsection (5) of this section, who shall
50 provide the medical data, and forward the certificate to the mortician

1 or person acting as such. In the absence of the attending physician,
2 physician assistant or advanced practice ~~professional~~ registered nurse
3 or with said person's approval the certificate may be completed and
4 signed by said person's associate, who must be a physician, physi-
5 cian assistant or advanced practice ~~professional~~ registered nurse,
6 the chief medical officer of the institution in which the stillbirth
7 occurred, or the physician who performed an autopsy on the stillborn
8 fetus, provided such individual has access to the medical history of the
9 case and views the fetus at or after stillbirth. The mortician or person
10 acting as such shall provide the disposition information and file the
11 certificate with the local registrar.

12 (b) When a stillbirth occurs outside an institution, the mortician or
13 person acting as such shall complete the certificate, obtain the medi-
14 cal data from and signature of the attendant at the stillbirth, except
15 as otherwise provided in subsection (5) of this section, and file the
16 certificate. If the attendant at or immediately after the stillbirth is
17 not a physician, physician assistant or advanced practice ~~professional~~
18 registered nurse, the coroner shall investigate and sign the certifi-
19 cate of stillbirth.

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

29 (d) When a stillborn fetus is found in this state and the place of still-
30 birth is unknown, it shall be reported in this state. The place where
31 the stillborn fetus was found shall be considered the place of still-
32 birth.

33 (e) The name of the father shall be entered on the certificate of still-
34 birth as provided by section 39-255, Idaho Code.

35 (5) The person responsible for the preparation or completion of the
36 stillbirth certificate as stated in subsections (4)(a) and (b) of this
37 section shall refer the following cases to the coroner who shall make an im-
38 mediate investigation, supply the necessary medical data and certify to the
39 cause of stillbirth:

40 (a) When the circumstances suggest that the stillbirth occurred as a
41 result of other than natural causes, excepting legally induced abor-
42 tions, as defined by section 39-241, Idaho Code; or

43 (b) When death is due to natural causes and the physician, physician
44 assistant or advanced practice ~~professional~~ registered nurse in atten-
45 dance at or immediately after the stillbirth or said person's desig-
46 nated associate is not available or is physically incapable of signing.

47 SECTION 3. That Section 39-268, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 39-268. AUTHORIZATION FOR FINAL DISPOSITION. (1) The mortician or
2 person acting as such who first assumes possession of a dead body or still-
3 born fetus shall make a written report to the registrar of the district in
4 which death or stillbirth occurred or in which the body or stillborn fetus
5 was found within twenty-four (24) hours after taking possession of the body
6 or stillborn fetus, on a form prescribed and furnished by the state registrar
7 and in accordance with rules promulgated by the board. Except as specified
8 in subsection (2) of this section, the written report shall serve as per-
9 mit to transport, bury or entomb the body or stillborn fetus within this
10 state, provided that the mortician or person acting as such shall certify
11 that the physician, physician assistant or advanced practice ~~professional~~
12 registered nurse in charge of the patient's care for the illness or condition
13 which resulted in death or stillbirth has been contacted and has affirma-
14 tively stated that said physician, physician assistant or advanced practice
15 ~~professional~~ registered nurse or the designated associate according to sec-
16 tion 39-260 (1) (b) or (4) (a), Idaho Code, will sign the certificate of death
17 or stillbirth.

18 (2) The written report as specified in subsection (1) of this section
19 shall not serve as a permit to:

20 (a) Remove a body or stillborn fetus from this state;

21 (b) Cremate the body or stillborn fetus; or

22 (c) Make disposal or disposition of any body or stillborn fetus in any
23 manner when inquiry is required under chapter 43, title 19, Idaho Code,
24 or section 39-260 (2) or (5), Idaho Code.

25 (3) In accordance with the provisions of subsection (2) of this sec-
26 tion, the mortician or person acting as such who first assumes possession
27 of a dead body or stillborn fetus shall obtain an authorization for final
28 disposition prior to final disposal or removal from the state of the body
29 or stillborn fetus. The physician, physician assistant, advanced practice
30 ~~professional~~ registered nurse or coroner responsible for signing the death
31 or stillbirth certificate shall authorize final disposition of the body or
32 stillborn fetus, on a form prescribed and furnished by the state registrar.
33 If the body is to be cremated, the coroner must also give additional autho-
34 rization. In the case of stillbirths, the hospital may dispose of the still-
35 born fetus if the parent(s) so requests; authorization from the coroner is
36 not necessary unless the coroner is responsible for signing the certificate
37 of stillbirth.

38 (4) When a dead body or stillborn fetus is transported into the state,
39 a permit issued in accordance with the law of the state in which the death
40 or stillbirth occurred or in which the body or stillborn fetus was found
41 shall authorize the transportation and final disposition within the state of
42 Idaho.

43 (5) A permit for disposal shall not be required in the case of a dead
44 fetus of less than twenty (20) weeks gestation and less than three hundred
45 fifty (350) grams or twelve and thirty-five hundredths (12.35) ounces where
46 disposal of the fetal remains is made within the institution where the deliv-
47 ery of the dead fetus occurred.