

1 **HEALTH PROFESSIONAL AUTHORITY - DEATH**

2 **CERTIFICATES**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Bradley G. Last**

6 Senate Sponsor: _____

7

LONG TITLE

8 **General Description:**

9 This bill amends the Vital Statistics Act.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ amends definitions in the Vital Statistics Act to allow a nurse practitioner to sign a
13 death certificate if employed by a health care facility.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **26-2-2**, as last amended by Laws of Utah 2009, Chapters 66 and 68

21 *Be it enacted by the Legislature of the state of Utah:*

22 Section 1. Section **26-2-2** is amended to read:

23 **26-2-2. Definitions.**

24 As used in this chapter:

25 (1) "Advanced practice registered nurse" means a person licensed to practice as an
26
27



28 advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse Practice Act.

29 (2) "Custodial funeral service director" means a funeral service director who:

30 (a) is employed by a licensed funeral establishment; and

31 (b) has custody of a dead body.

32 (3) "Dead body" or "decedent" means a human body or parts of the human body from
33 the condition of which it reasonably may be concluded that death occurred.

34 (4) "Dead fetus" means a product of human conception:

35 (a) of 20 weeks' gestation or more, calculated from the date the last normal menstrual
36 period began to the date of delivery; and

37 (b) that was not born alive.

38 (5) "Declarant father" means a male who claims to be the genetic father of a child, and,
39 along with the biological mother, signs a voluntary declaration of paternity to establish the
40 child's paternity.

41 (6) "Dispositioner" means:

42 (a) a person designated in a written instrument, under Subsection 58-9-602(1), as
43 having the right and duty to control the disposition of the decedent, if the person voluntarily
44 acts as the dispositioner; or

45 (b) the next of kin of the decedent, if:

46 (i) (A) a person has not been designated as described in Subsection (6)(a); or

47 (B) the person described in Subsection (6)(a) is unable or unwilling to exercise the
48 right and duty described in Subsection (6)(a); and

49 (ii) the next of kin voluntarily acts as the dispositioner.

50 (7) "File" means the submission of a completed certificate or other similar document,
51 record, or report as provided under this chapter for registration by the state registrar or a local
52 registrar.

53 (8) "Funeral service director" is as defined in Section 58-9-102.

54 (9) "Health care facility" is as defined in Section 26-21-2.

55 (10) "Health care professional" means a physician or nurse practitioner.

56 (11) "Licensed funeral establishment" means a funeral service establishment, as
57 defined in Section 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services
58 Licensing Act.

59 (12) "Live birth" means the birth of a child who shows evidence of life after the child is
60 entirely outside of the mother.

61 (13) "Local registrar" means a person appointed under Subsection 26-2-3(2)(b).

62 (14) "Nurse practitioner" means an advanced practice registered nurse specializing as a
63 nurse practitioner who:

64 (a) has completed an education program regarding the completion of a certificate of
65 death developed by the department by administrative rule adopted in accordance with Title
66 63G, Chapter 3, Utah Administrative Rulemaking Act; and

67 (b) is in independent practice or a group practice~~[; and]~~.

68 ~~[(c) is not employed by a health care facility licensed under Chapter 21, Health Care
69 Facility Licensing and Inspection Act.]~~

70 (15) "Physician" means a person licensed to practice as a physician or osteopath in this
71 state under Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic
72 Medical Practice Act.

73 (16) "Presumed father" means the father of a child conceived or born during a marriage
74 as defined in Section 30-1-17.2.

75 (17) "Registration" or "register" means acceptance by the local or state registrar of a
76 certificate and incorporation of the certificate into the permanent records of the state.

77 (18) "State registrar" means the state registrar of vital records appointed under
78 Subsection 26-2-3(1)(e).

79 (19) "Vital records" means:

80 (a) registered certificates or reports of birth, death, fetal death, marriage, divorce,
81 dissolution of marriage, or annulment;

82 (b) amendments to any of the registered certificates or reports described in Subsection
83 (19)(a); and

84 (c) other similar documents.

85 (20) "Vital statistics" means the data derived from registered certificates and reports of
86 birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of
87 marriage, or annulment.

Legislative Review Note
as of 1-10-11 1:58 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 66

SHORT TITLE: Health Professional Authority - Death Certificates

SPONSOR: Last, B.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will cost the Department of Health \$4,100 in one-time dedicated credits in FY 2011 to set up an online training tool.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue	\$0	\$0	\$0
Expenditure:			
Dedicated Credits	\$4,100	\$0	\$0
Total Expenditure	\$4,100	\$0	\$0
Net Impact, All Funds (Rev.-Exp.)	(\$4,100)	\$0	\$0
Net Impact, General/Education Funds	\$0	\$0	\$0

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Those individuals choosing to pay nurse practitioners to complete death certificates will save approximately \$40 per occurrence.