

OREGON MORTUARY AND CEMETERY BOARD

MEMO

TO: INTERESTED PARTIES
FROM: DAVID KOACH, EXECUTIVE DIRECTOR
DATE: JULY 12, 2006
SUBJECT: WHO MAY SIGN A DEATH CERTIFICATE?

This memo will respond to recent questions as to whether or not an embalmer, embalmer apprentice or funeral service practitioner apprentice may sign a death certificate. The answer is, no. As demonstrated by the plain language in the legal authorities cited below, only an Oregon licensed funeral service practitioner or person acting as a funeral service practitioner may sign a death certificate.

Person acting as a funeral service practitioner is defined in statute as follows:

ORS 432.005 Definitions.

(11) "Person acting as a funeral service practitioner" means:

(a) A person other than a funeral service practitioner licensed under ORS 692.045, including but not limited to a relative, friend or other interested party, who performs the duties of a funeral service practitioner without payment; or

(b) A funeral service practitioner who files death certificates in another state if the funeral service practitioner is employed by a funeral establishment licensed in another state and registered with the State Mortuary and Cemetery Board under ORS 692.270.

Legal Authorities:

ORS 432.307 Compulsory filing of death certificates; persons required to file.

(2) The funeral service practitioner or person acting as a funeral service practitioner who first assumes custody of the dead body shall submit the certificate of death. The funeral service practitioner or person acting as a funeral service practitioner shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification from the person responsible therefor. The funeral service practitioner or person acting as a funeral service practitioner shall provide the certificate of death containing information as specified by rule to identify the decedent to the certifier within 48 hours after death.

ORS 432.317 Report upon receipt of body or fetus; authorization for final disposition; rules.

(1) The funeral service practitioner or person acting as a funeral service practitioner who first assumes possession of a dead body or fetus shall make a written report to the county registrar in the county in which death occurred or in which the body or fetus was found within 24 hours after taking possession of the body or fetus. The report shall be on a form prescribed and furnished by the State Registrar of the Center for Health Statistics and in accordance with rules adopted by the Department of Human Services.

(2) Prior to final disposition of the body, the funeral service practitioner or person acting as a funeral service practitioner who first assumes custody of a dead body shall, prior to final disposition of the body, obtain written authorization for final disposition of the body from the physician, physician assistant practicing under the supervision of a person licensed to practice medicine under ORS chapter 677, certified nurse practitioner or medical examiner who certifies the cause of death as provided in ORS 432.307 (3) on a form prescribed and furnished by the state registrar. If the funeral service practitioner or person acting as a funeral service practitioner is unable to obtain such written authorization prior to final disposition of the body, the practitioner or person, with the oral consent of the physician, the physician assistant, the nurse practitioner, the

medical examiner or a licensed health professional authorized to give such consent on behalf of the physician or medical examiner who is responsible for certifying the cause of death, may authorize final disposition of the body on a form prescribed and furnished by the state registrar.

ORS 692.270 Certificate of removal registration for removal of dead human bodies; requirements; sanctions.

(1) The State Mortuary and Cemetery Board shall issue a certificate of removal registration to a funeral establishment licensed in another state contiguous to Oregon with laws substantially similar to the provisions of this section for the limited purpose of removing dead human bodies from Oregon, prior to submitting a certificate of death, if the establishment that will make the removals applies to the board for a certificate of removal registration on a form provided by the board. The application fee established under ORS 692.160 shall accompany the application. A certificate issued under this subsection expires upon a change of ownership of the funeral establishment.

(2) For purposes of this section, each branch of a registrant's funeral establishment is a separate establishment and must be registered as a fixed place of business.

(3) Notwithstanding ORS 692.025 (1) and 692.045, a funeral service practitioner who files death certificates in another state may file an Oregon certificate of death if the funeral service practitioner is employed by a licensed funeral establishment registered with the board under this section.

OAR 333-011-0061 Amendment of Vital Records

(3) Who May Apply:

(b) To amend a death certificate, application may be made by the next of kin or the funeral director or person acting as such who signed the death certificate. Applications to amend the medical certification of cause of death shall be made only by the physician who signed the medical certification or the medical examiner;

OAR 333-011-0072 Death Registration

(1) Acceptance of Incomplete Death Certificate. If all the information necessary to complete a death certificate is not available within the time prescribed for filing of the certificate, the funeral director shall file the certificate completed with all information that is available.

OAR 333-011-0073 Delayed Registration of Death

The registration of a death after the time prescribed by statute and regulations shall be registered on the regular certificate of death form in the manner prescribed below:

(1) If the attending physician or medical examiner, at the time of death and the attending funeral director or person who acted as such are available to complete and sign the certificate of death, it may be completed without additional evidence and filed with the State Registrar. For those certificates filed one year or more after the date of death, the physician or medical examiner, and the funeral director or person who acted as such must state in accompanying affidavits that the information on the certificate is based on records kept in their files.