

HB0214



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0214

Introduced 1/22/2021, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

410 ILCS 535/18	from Ch. 111 1/2, par. 73-18
410 ILCS 535/20	from Ch. 111 1/2, par. 73-20
410 ILCS 535/21	from Ch. 111 1/2, par. 73-21

Amends the Vital Records Act. Provides that death certificates and medical certifications may be completed and signed by advanced practice registered nurses. Makes other changes. Effective January 1, 2022.

LRB102 04082 CPF 14098 b

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Vital Records Act is amended by changing
5 Sections 18, 20, and 21 as follows:

6 (410 ILCS 535/18) (from Ch. 111 1/2, par. 73-18)

7 Sec. 18. (1) Each death which occurs in this State shall be
8 registered by filing a death certificate with the local
9 registrar of the district in which the death occurred or the
10 body was found, within 7 days after such death (within 5 days
11 if the death occurs prior to January 1, 1989) and prior to
12 cremation or removal of the body from the State, except when
13 death is subject to investigation by the coroner or medical
14 examiner.

15 (a) For the purposes of this Section, if the place of
16 death is unknown, a death certificate shall be filed in
17 the registration district in which a dead body is found,
18 which shall be considered the place of death.

19 (b) When a death occurs on a moving conveyance, the
20 place where the body is first removed from the conveyance
21 shall be considered the place of death and a death
22 certificate shall be filed in the registration district in
23 which such place is located.

1 (c) The funeral director who first assumes custody of
2 a dead body shall be responsible for filing a completed
3 death certificate. He or she shall obtain the personal
4 data from the next of kin or the best qualified person or
5 source available; he or she shall enter on the certificate
6 the name, relationship, and address of the ~~his~~ informant;
7 he or she shall enter the date, place, and method of final
8 disposition; he or she shall affix his or her own
9 signature and enter his or her address; and shall present
10 the certificate to the person responsible for completing
11 the medical certification of cause of death. The person
12 responsible for completing the medical certification of
13 cause of death must note the presence of
14 methicillin-resistant staphylococcus aureus, clostridium
15 difficile, or vancomycin-resistant enterococci if it is a
16 contributing factor to or the cause of death. Additional
17 multi-drug resistant organisms (MDROs) may be added to
18 this list by the Department by rule.

19 (2) The medical certification shall be completed and
20 signed within 48 hours after death by the physician or
21 advanced practice registered nurse in charge of the patient's
22 care for the illness or condition which resulted in death,
23 except when death is subject to the coroner's or medical
24 examiner's investigation. In the absence of the physician or
25 advanced practice registered nurse or with his or her
26 approval, the medical certificate may be completed and signed

1 by his or her associate physician or advanced practice
2 registered nurse, the chief medical officer of the institution
3 in which death occurred, or by the physician who performed an
4 autopsy upon the decedent.

5 (3) When a death occurs without medical attendance, or
6 when it is otherwise subject to the coroner's or medical
7 examiner's investigation, the coroner or medical examiner
8 shall be responsible for the completion of a coroner's or
9 medical examiner's certificate of death and shall sign the
10 medical certification within 48 hours after death, except as
11 provided by regulation in special problem cases. If the
12 decedent was under the age of 18 years at the time of his or
13 her death, and the death was due to injuries suffered as a
14 result of a motor vehicle backing over a child, or if the death
15 occurred due to the power window of a motor vehicle, the
16 coroner or medical examiner must send a copy of the medical
17 certification, with information documenting that the death was
18 due to a vehicle backing over the child or that the death was
19 caused by a power window of a vehicle, to the Department of
20 Children and Family Services. The Department of Children and
21 Family Services shall (i) collect this information for use by
22 Child Death Review Teams and (ii) compile and maintain this
23 information as part of its Annual Child Death Review Team
24 Report to the General Assembly.

25 (3.5) The medical certification of cause of death shall
26 expressly provide an opportunity for the person completing the

1 certification to indicate that the death was caused in whole
2 or in part by a dementia-related disease, Parkinson's Disease,
3 or Parkinson-Dementia Complex.

4 (4) When the deceased was a veteran of any war of the
5 United States, the funeral director shall prepare a
6 "Certificate of Burial of U. S. War Veteran", as prescribed
7 and furnished by the Illinois Department of Veterans' Affairs,
8 and submit such certificate to the Illinois Department of
9 Veterans' Affairs monthly.

10 (5) When a death is presumed to have occurred in this State
11 but the body cannot be located, a death certificate may be
12 prepared by the State Registrar upon receipt of an order of a
13 court of competent jurisdiction which includes the finding of
14 facts required to complete the death certificate. Such death
15 certificate shall be marked "Presumptive" and shall show on
16 its face the date of the registration and shall identify the
17 court and the date of the judgment.

18 (Source: P.A. 96-1000, eff. 7-2-10; 97-376, eff. 8-15-11.)

19 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

20 Sec. 20. Fetal death; place of registration.

21 (1) Each fetal death which occurs in this State after a
22 gestation period of 20 completed weeks (and when the mother
23 elects in writing to arrange for the burial or cremation of the
24 fetus under Section 11.4 of the Hospital Licensing Act) or
25 more shall be registered with the local or subregistrar of the

1 district in which the delivery occurred within 7 days after
2 the delivery and before removal of the fetus from the State,
3 except as provided by regulation in special problem cases.

4 (a) For the purposes of this Section, if the place of
5 fetal death is unknown, a fetal death certificate shall be
6 filed in the registration district in which a dead fetus
7 is found, which shall be considered the place of fetal
8 death.

9 (b) When a fetal death occurs on a moving conveyance,
10 the city, village, township, or road district in which the
11 fetus is first removed from the conveyance shall be
12 considered the place of delivery and a fetal death
13 certificate shall be filed in the registration district in
14 which the place is located.

15 (c) The funeral director or person acting as such who
16 first assumes custody of a fetus shall file the
17 certificate. The personal data shall be obtained from the
18 best qualified person or source available. The name,
19 relationship, and address of the informant shall be
20 entered on the certificate. The date, place, and method of
21 final disposition of the fetus shall be recorded over the
22 personal signature and address of the funeral director
23 responsible for the disposition. The certificate shall be
24 presented to the person responsible for completing the
25 medical certification of the cause of death.

26 (2) The medical certification shall be completed and

1 signed within 24 hours after delivery by the physician or
2 advanced practice registered nurse in attendance at or after
3 delivery, except when investigation is required under Division
4 3-3 of Article 3 of the Counties Code and except as provided by
5 regulation in special problem cases.

6 (3) When a fetal death occurs without medical attendance
7 upon the mother at or after the delivery, or when
8 investigation is required under Division 3-3 of Article 3 of
9 the Counties Code, the coroner shall be responsible for the
10 completion of the fetal death certificate and shall sign the
11 medical certification within 24 hours after the delivery or
12 the finding of the fetus, except as provided by regulation in
13 special problem cases.

14 (Source: P.A. 92-348, eff. 1-1-02.)

15 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

16 Sec. 21. (1) The funeral director or person acting as such
17 who first assumes custody of a dead body or fetus shall make a
18 written report to the registrar of the district in which death
19 occurred or in which the body or fetus was found within 24
20 hours after taking custody of the body or fetus on a form
21 prescribed and furnished by the State Registrar and in
22 accordance with the rules promulgated by the State Registrar.
23 Except as specified in paragraph (2) of this Section, the
24 written report shall serve as a permit to transport, bury, or
25 entomb the body or fetus within this State, provided that the

1 funeral director or person acting as such shall certify that
2 the physician or advanced practice registered nurse in charge
3 of the patient's care for the illness or condition which
4 resulted in death has been contacted and has affirmatively
5 stated that he or she will sign the medical certificate of
6 death or the fetal death certificate. If a funeral director
7 fails to file written reports under this Section in a timely
8 manner, the local registrar may suspend the funeral director's
9 privilege of filing written reports by mail. In a county with a
10 population greater than 3,000,000, if a funeral director or
11 person acting as such interrs or entombs a dead body without
12 having previously certified that the physician or advanced
13 practice registered nurse in charge of the patient's care for
14 the illness or condition that resulted in death has been
15 contacted and has affirmatively stated that he or she will
16 sign the medical certificate of death, then that funeral
17 director or person acting as such is responsible for payment
18 of the specific costs incurred by the county medical examiner
19 in disinterring and reintering or reentombing the dead body.

20 (2) The written report as specified in paragraph (1) of
21 this Section shall not serve as a permit to:

22 (a) Remove body or fetus from this State;

23 (b) Cremate the body or fetus; or

24 (c) Make disposal of any body or fetus in any manner
25 when death is subject to the coroner's or medical
26 examiner's investigation.

1 (3) In accordance with the provisions of paragraph (2) of
2 this Section the funeral director or person acting as such who
3 first assumes custody of a dead body or fetus shall obtain a
4 permit for disposition of such dead human body prior to final
5 disposition or removal from the State of the body or fetus.
6 Such permit shall be issued by the registrar of the district
7 where death occurred or the body or fetus was found. No such
8 permit shall be issued until a properly completed certificate
9 of death has been filed with the registrar. The registrar
10 shall insure the issuance of a permit for disposition within
11 an expedited period of time to accommodate Sunday or holiday
12 burials of decedents whose time of death and religious tenets
13 or beliefs necessitate Sunday or holiday burials.

14 (4) A permit which accompanies a dead body or fetus
15 brought into this State shall be authority for final
16 disposition of the body or fetus in this State, except in
17 municipalities where local ordinance requires the issuance of
18 a local permit prior to disposition.

19 (5) A permit for disposition of a dead human body shall be
20 required prior to disinterment of a dead body or fetus, and
21 when the disinterred body is to be shipped by a common carrier.
22 Such permit shall be issued to a licensed funeral director or
23 person acting as such, upon proper application, by the local
24 registrar of the district in which disinterment is to be made.
25 In the case of disinterment, proper application shall include
26 a statement providing the name and address of any surviving

1 spouse of the deceased, or, if none, any surviving children of
2 the deceased, or if no surviving spouse or children, a parent,
3 brother, or sister of the deceased. The application shall
4 indicate whether the applicant is one of these parties and, if
5 so, whether the applicant is a surviving spouse or a surviving
6 child. Prior to the issuance of a permit for disinterment, the
7 local registrar shall, by certified mail, notify the surviving
8 spouse, unless he or she is the applicant, or if there is no
9 surviving spouse, all surviving children except for the
10 applicant, of the application for the permit. The person or
11 persons notified shall have 30 days from the mailing of the
12 notice to object by obtaining an injunction enjoining the
13 issuance of the permit. After the 30-day period has expired,
14 the local registrar shall issue the permit unless he or she has
15 been enjoined from doing so or there are other statutory
16 grounds for refusal. The notice to the spouse or surviving
17 children shall inform the person or persons being notified of
18 the right to seek an injunction within 30 days.
19 Notwithstanding any other provision of this subsection (5), a
20 court may order issuance of a permit for disinterment without
21 notice or prior to the expiration of the 30-day period where
22 the petition is made by an agency of any governmental unit and
23 good cause is shown for disinterment without notice or for the
24 early order. Nothing in this subsection (5) limits the
25 authority of the City of Chicago to acquire property or
26 otherwise exercise its powers under the O'Hare Modernization

1 Act or requires that City, or any person acting on behalf of
2 that City, to obtain a permit under this subsection (5) when
3 exercising powers under the O'Hare Modernization Act. The
4 Illinois Department of Transportation, and any person acting
5 on its behalf under a public-private agreement entered into in
6 accordance with the Public-Private Agreements for the South
7 Suburban Airport Act, is exempt from this subsection (5),
8 provided that the Illinois Department of Transportation, or
9 any such person, takes reasonable steps to comply with the
10 provisions of this subsection (5) so long as compliance does
11 not interfere with the design, development, operation, or
12 maintenance of the South Suburban Airport or the exercise of
13 their powers under the Public-Private Agreements for the South
14 Suburban Airport Act.

15 (Source: P.A. 98-109, eff. 7-25-13.)

16 Section 99. Effective date. This Act takes effect January
17 1, 2022.