

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-263 of the Code of Virginia, relating to death certificate; timely*  
 3 *return to funeral director.*

4 [H 1796]  
 5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 32.1-263 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 32.1-263. Filing death certificates; medical certification; investigation by medical examiner.**

9 A. A death certificate, including, if known, the social security number or control number issued by  
 10 the Department of Motor Vehicles pursuant to § 46.2-342 of the deceased, shall be filed for each death  
 11 which occurs in this Commonwealth with the registrar of the district in which the death occurred within  
 12 three days after such death and prior to final disposition or removal of the body from the  
 13 Commonwealth, and shall be registered by such registrar if it has been completed and filed in  
 14 accordance with the following requirements:

15 1. If the place of death is unknown, but the dead body is found in this Commonwealth, a death  
 16 certificate shall be filed in the registration district in which the dead body is found in accordance with  
 17 this section. The place where the dead body is found shall be shown as the place of death. If the date of  
 18 death is unknown, it shall be determined by approximation, taking into consideration all relevant  
 19 information, including but not limited to, information provided by the immediate family regarding the  
 20 date and time that the deceased was last seen alive, if the individual died in his home; and

21 2. When death occurs in a moving conveyance, in the United States of America and the body is first  
 22 removed from the conveyance in this Commonwealth, the death shall be registered in this  
 23 Commonwealth and the place where it is first removed shall be considered the place of death. When a  
 24 death occurs on a moving conveyance while in international waters or air space or in a foreign country  
 25 or its air space and the body is first removed from the conveyance in this Commonwealth, the death  
 26 shall be registered in this Commonwealth but the certificate shall show the actual place of death insofar  
 27 as can be determined.

28 B. The licensed funeral director, funeral service licensee, office of the state anatomical program, or  
 29 next of kin as defined in § 54.1-2800 who first assumes custody of a dead body shall file the certificate  
 30 of death with the registrar. He shall obtain the personal data, including the social security number of the  
 31 deceased or control number issued to the deceased by the Department of Motor Vehicles pursuant to  
 32 § 46.2-342, from the next of kin or the best qualified person or source available and obtain the medical  
 33 certification from the person responsible therefor.

34 C. The medical certification shall be completed, signed in black or dark blue ink, and returned to the  
 35 funeral director within 24 hours after death by the physician in charge of the patient's care for the illness  
 36 or condition which resulted in death except when inquiry or investigation by a medical examiner is  
 37 required by § 32.1-283 or 32.1-285.1, or by the physician that pronounces death pursuant to § 54.1-2972.

38 In the absence of such physician or with his approval, the certificate may be completed and signed  
 39 by *the following*: (i) another physician employed or engaged by the same professional practice; (ii) a  
 40 physician assistant supervised by such physician; (iii) a nurse practitioner practicing as part of a patient  
 41 care team as defined in § 54.1-2900 ~~with such physician~~; (iv) the chief medical officer *or medical*  
 42 *director, or his designee*, of the institution, *hospice, or nursing home* in which death occurred; (v) a  
 43 physician specializing in the delivery of health care to hospitalized or emergency department patients  
 44 who is employed by or engaged by the facility where the death occurred; ~~or~~; (vi) the physician who  
 45 performed an autopsy upon the decedent; *or (vii) an individual to whom the physician has delegated*  
 46 *authority to complete and sign the certificate*, if such individual has access to the medical history of the  
 47 case and death is due to natural causes.

48 D. When inquiry or investigation by a medical examiner is required by § 32.1-283 or 32.1-285.1, the  
 49 medical examiner shall investigate the cause of death and shall complete and sign the medical  
 50 certification portion of the death certificate within 24 hours after being notified of the death. If the  
 51 medical examiner refuses jurisdiction, the physician last furnishing medical care to the deceased shall  
 52 prepare and sign the medical certification portion of the death certificate.

53 E. If the death is a natural death and a death certificate is being prepared pursuant to § 54.1-2972  
 54 and the physician, nurse practitioner or physician assistant is uncertain about the cause of death, he shall  
 55 use his best medical judgment to certify a reasonable cause of death or contact the health district  
 56 physician director in the district where the death occurred to obtain guidance in reaching a determination

57 as to a cause of death and document the same.

58 If the cause of death cannot be determined within 24 hours after death, the medical certification shall  
59 be completed as provided by regulations of the Board. The attending physician or medical examiner  
60 shall give the funeral director or person acting as such notice of the reason for the delay, and final  
61 disposition of the body shall not be made until authorized by the attending physician or medical  
62 examiner.

63 F. A physician, nurse practitioner or physician assistant who, in good faith, signs a certificate of  
64 death or determines the cause of death shall be immune from civil liability, only for such signature and  
65 determination of causes of death on such certificate, absent gross negligence or willful misconduct.