

The Death Certificate and You

A quarterly newsletter on completing the Oregon Death Certificate
from the Center for Health Statistics

April 2005

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Health Services—Office of Disease Prevention and Epidemiology—Center for Health Statistics

The Center for Health Statistics is pleased to publish the second edition of our newsletter on completing death certificates. The purpose of this newsletter is to provide our partners who complete death certificates with some helpful hints, review of rules and regulations, and share some trivia. This edition has a new name, but the purpose is the same. We hope you find the newsletter useful.

The Only Constant is Change

As many of you may be aware, we have refined some of our procedures, related to changing and adding information on death certificates for most items. As a legal record, it is important for us to know what changes were made on the death certificate, when, by whom, and why (based on what information from what source), once the record is registered at the State Vital Records Office.

The vast majority of records that we receive are in excellent condition and form. The small percentage of records that require additional information or, in some cases, replacement, take a great deal of time for the funeral service practitioner, the county registrar, and staff in our office. Two broad concerns to keep in mind are:

- **Legibility**

These are extremely important records, for both personal and business use, and are expected to be usable well into the next century. Please produce clear, legible documents. Frequent issues include faint print from typewriter

ribbons that need to be replaced; smeared type where letters cannot be distinguished; and information running off the edge of the page. Registered records are microfilmed, for both storage considerations and preservation of records, and the quality of the original is important.

- **If unknown, tell us**
Sometimes information, such as whether a person was ever in the armed services, isn't available. Type "unknown" or ' - ', if the information can't be obtained. If items are left blank, we will call and request a supplemental report or correction affidavit.
- **Typographical Errors**
Another common problem has been a simple typographical error, which can be corrected with a faxed affidavit from the funeral home. We know that accurate information for the family is a shared goal; as these infrequent mistakes occur, we'll contact funeral homes to help us correct the record.

Please do a final check before a record is submitted to the county registrar.

Decedent's age (Item 5)

Age is reported in years, months, days, hours or minutes. In the past, we have not always required correction affidavits to correct age, with the assumption that the error lay in the arithmetic, rather than the dates of birth and death. Recently, there were several instances where the age was correct and the year of birth was typed incorrectly.

The most common error is subtracting the year of birth from the year of death without accounting for whether the decedent's birthday has occurred. For example,

Born 10/15/1900, and died 11/15/2004
 $2004 - 1900 = 104$, and

Born 12/15/1900, and died 11/15/2004
 2003 (last birthday) $- 1900 = 103$.

We are now requiring confirmation of dates whenever the date of birth and date of death do not equal the age reported. A correction affidavit is required if either date is incorrect.

Place of Death (Item 9a) and Facility Name (Item 9b)

We have been reviewing the place of death information (inpatient, emergency room, nursing facility, home, etc.). Two corrections are very common:

- A facility is reported as a nursing facility when it is in fact an assisted living facility, a residential care facility, or an adult foster home. Each of these designations is a separate type of license, with unique requirements and monitoring.
- Corporation names or informal business names are reported instead of the licensed business name for the address. Facility names can be determined if addresses are reported for licensed facilities, but the names of parent companies or the name of an adult foster home without the address is very difficult to determine. In a nutshell, if 9a is Decedent's 'Home' or 'Other', we probably need a street address.

To clarify what is needed, we offer the examples attached to this newsletter.

Time of Death (Item 27)

Time of death appears in the medical certifier/Medical Examiner's section of the death certificate because time of death, like date of death, is a medical determination. Incorrect entries for time of death delay the registration of certificates and often require contacting the medical certifier for corrected information.



In brief, time should be entered as the local time, regardless of daylight savings time. If entered as standard time, A.M. or P.M. must be stated. If using military time, do not enter A or P for the time, and do not use a colon between hours and minutes; no other indication is required. The 'M' is pre-printed on the death certificate form.

Examples of appropriate alternatives:

8:15 A.M.	0815 M
12 noon	1200 M
12:01 P.M.	1201 M
3:47 P.M.	1547 M

Please note that no colon is used in military time. See the death certificate instructions for additional information or call Terrie Bollinger at our office with specific questions.

Short form certified copies of death certificates

Please remind families of the option of short form certified copies of death certificates. The short form does not include the medical portion and is accepted by many entities. This is especially important when death certificates will be

given to title companies. All documents related to the title transfer is submitted to the County Clerks' office for recording. At that time the copy of the death certificate becomes a public record. Another reason to provide short form death certificates to title companies is additional space on the document for the County Clerks' stamp. Each document recorded, including the death certificate, must be stamped. If there is no space on the front part of the form, the clerk must stamp the back; this may result in an additional fee.

Faxed death certificates - Just a reminder

Certificates faxed to either the state office or to a participating county vital records office should be held at the funeral home until noon the next business day. Any required corrections must occur on the original certificate to ensure that certified copies issued from the original will match certified copies issued from the faxed certificate. Item 3 and items 27 through 41 should be corrected by the medical certifier only, regardless of whether the certificate is faxed to a vital records office for expedited certified copies.

We, (the Center for Health Statistics), can't correct or add supplemental information to a death certificate if the original certificate is still at the county office. If the original certificate is in the mail process, we will hold the affidavit or supplemental report, and make the correction when the original is received.

M.E. Notification

There is a great deal of discussion statewide regarding when the Medical Examiner should be notified of a death. ORS 146.100 states that M.E. shall be notified when death occurs under certain circumstances. ORS 146.090 specifies deaths requiring investigation, which include the death of a person admitted to a

hospital or institution for less than 24 hours and persons who have not been under the care of a physician during the period immediately previous to death. The M.E. may of course decline jurisdiction.

We have requested an opinion from the Attorney General's Office on M.E. notification. In the meantime, county registrars will continue checking on M.E. notification, including deaths of persons receiving in-home hospice care, which is not addressed in the statute. In addition, queries are sent to the medical certifiers when a death appears to meet the circumstances for M.E. notification but the record indicates that the M.E. was not notified.

Electronic Death Registration Update

The Center for Health Statistics has received a grant from the Centers for Disease Control and Prevention (CDC) to purchase an electronic death registration system.

We have used the information previously gathered through the steering committee, focus groups, and public meetings to determine the specifications (including flexibility to interact with other software) for the system.

This means we will be changing the death certificate to comply with the new national standards effective January 1, 2006. We will share information on the new form, new system and implementation plan as it becomes available.

The Life Cycle of the Oregon Death Certificate

We often receive calls from our partners

and others asking about access to death certificates. Whether a family member needs to purchase a certified copy of a death certificate or a biographer wants access to all records relating to an individual, the chronology of the death certificate process attached should provide basic information about the when and where for death certificate information.

Vital Records Staff Close Up

Ami Keiffer –

Ami Keiffer has joined the Center for Health Statistics as our field liaison. Ami's first day was February 7, 2005. Within a few weeks, Ami will be traveling around the state and visiting birth hospitals whenever possible to discuss paternity and EBC issues. Although we haven't yet determined how to meet with a diverse group spread throughout the state, Ami will also contact midwives to work on our mutual needs for birth certificates and paternities.

David Hopkins –

David has been a research analyst with the Center for Health Statistics for 23 years. He has a Masters degree in biology from Portland State University. David has primary responsibility for the death statistical file at CHS. David works closely with Terrie Bollinger, the nosologist at CHS, on cause of death information. In addition to the many tables in the Annual Report relating to the manner and cause of death, the research unit also has a table on the method of final disposition by county. Table 6-40 can be found at our web site, www.healthoregon.org/chs/ by clicking on Annual Reports, then selecting Volume 2.

No Disinterment Permit Required for Cremains

A recent memorandum from the Mortuary and Cemetery Board has clarified that cremains, remains following cremation, do not require a disinterment permit before being moved. Additional information is available in the memorandum posted on the Mortuary and Cemetery Board's web site at

<http://www.oregon.gov/MortCem/Disinterment.pdf>.

Death Certificates: Let's Get It Right

The American Family Physician journal recently published an editorial titled "Death Certificates: Let's Get It Right" that discusses the value of cause of death information on death certificates. The three-page editorial is available at <http://www.aafp.org/afp/20050215/editorials.html>. Primarily targeted to physicians, the information on the value of clear, accurate cause of death data for the individual as well as public health concerns is an interesting read for us all.

What do we do with all this data?

In addition to certified copies of the death certificate for individual/family use, information received on death certificates is used at county, state, and national levels to identify needs, assist in program development, and complete public health research.

At the Center for Health Statistics, we publish a report that includes mortality information on an annual basis. You can find the report at <http://www.dhs.state.or.us/publichealth/chs/vol2.cfm>.

For instance, there were 68 deaths to Oregon children aged one to four years in 2003: 38 died of natural causes and 30 died from external causes. For children dying from external causes:

- 10 died in motor vehicle crashes
- 7 died from drowning
- 4 died in fires.

Many agencies and community groups in Oregon use this information in their efforts to keep Oregon's children safe.

The annual report also includes information on changing patterns in our society, such as the method of final disposition, for each year.

Deaths occurring in Oregon by method of disposition

	Percents		
	<u>1993</u>	<u>1998</u>	<u>2003</u>
Burial	43	37	30
Cremation	44	53	61
Mausoleum	5	4	3
Removal	7	5	6

It is our goal to provide useful, high quality data to Oregonians and we wouldn't be able to do that without your help. Thank you.

Forms

Please use Certificate of Death forms revised on or after 08/03. The date of the last revision appears in the lower right corner of the form. If Item 40, Manner of Death, includes a box for 'Other', the form is outdated. Please shred any forms with a revision date prior to August 2003.

To order additional copies or the most current version of any vital records form, please mail or fax DHS Form 45-43 to Linda Reynolds at (503) 731-3076. Call Linda with any questions about availability or the most current version.

NOTICE

TO: INTERESTED PARTIES
FROM: DAVID KOACH, EXECUTIVE DIRECTOR
DATE: FEBRUARY 15, 2005
SUBJECT: DISINTERMENT OF CREMATED REMAINS

SUMMARY:

A disinterment permit is **not** required for the disinterment, transportation or re-interment of cremated human remains (cremains). However, consent of the cemetery authority and written consent of the person with the right to control disposition are required for the disinterment of cremains.

ANALYSIS: [This is the Board staff's view of what the law requires. It is not a legal opinion.]

Disinterment is addressed in two chapters of the Oregon Revised Statutes: ORS chapter 97 and ORS chapter 432.

The definition of human remains as that term is used in ORS chapter 97, clearly includes cremains. ORS 97.010(1). Although consent of the cemetery authority and written consent of the person with the right to control disposition are required for the disinterment of cremains under ORS 97.220(1), there is no requirement for a disinterment permit under ORS chapter 97.

The definition of human remains in ORS chapter 97 does not apply to ORS chapter 432. The operative definition in ORS chapter 432 is "dead body," meaning a human body or parts of a human body (head, torso, etc.) from which it can reasonably be concluded that death occurred. ORS 432.010(1). Read within the full context and purpose of ORS chapter 432, it is apparent that "dead body" means just that, a human corpse or parts of a corpse, not cremains. It follows from the definition in ORS 432.010(1) that the disinterment permit required under ORS 432.317(8) applies only to a dead body or fetus, not cremains.

NOTE 1: While it is true that a few recognizable bone fragments remain after the cremation (incineration) of a dead body, crematories are required to reduce them to unidentifiable dimensions before the cremains are released. OAR 830-011-0000(17) and 830-030-0050(2). The mandatory final processing of bone fragments thus eliminates any possibility of mistaking the residual of cremation for "body parts."

NOTE 2: The analysis above makes sense from a practical point of view. Where earth burial or entombment of a body is concerned, the place or manner of final disposition can change. Furthermore, the need for a permit to transport a disinterred body and to reinter or otherwise dispose of a disinterred body is readily apparent. Human bodies, whether they have been disinterred or not, may not be interred in a cemetery, cremated or shipped out of state without a disposal-transit permit. The green copy of the death certificate serves as the initial disposal-transit permit. The disinterment permit serves that purpose for any subsequent transportation of a dead body and for any change in the place or manner of final disposition, i.e., interment in another cemetery, cremation or transportation out of state. In the case of cremation, on the other hand, the crematory is considered the official place of final disposition. Significantly, the place and manner of final disposition can never change after a cremation. Unlike a dead body, cremains may be taken home by the family, scattered, shipped out of state or otherwise disposed of in a variety of ways that require no permit of any kind. With that in mind, the requirements of ORS 97.220(1) also make sense. There is no conflict between ORS 432.317(8) and ORS 97.220(1). Once interred in a cemetery, families have a statutory right to expect that the cremains of a loved one will not be moved without their express written consent.

BACKGROUND:

Questions as to whether or not a permit is required for the disinterment of cremains have been coming up periodically for years. The Board, itself, is responsible for much of the confusion. In a quarterly newsletter published in the Spring of 1993 (Volume VIII, Number 1), the Board made a mistake when it interpreted ORS 97.220(1) to mean that a permit from the Center for Health Statistics is required for the disinterment of cremains. That error was later compounded when the Center for Health Statistics reprinted the Board's faulty interpretation in a separate notice circulated on May 6, 1993.

The Board attempted to correct its error by means of a 1998 amendment to OAR 830-030-0060(2) which states plainly that the disinterment permit requirement "does not apply to cremated human remains\cremains." Nevertheless, questions continue to arise on occasion as copies of the misinformation published in 1993 resurface. This rather lengthy notice has been issued in a further effort to resolve any ongoing confusion.

LEGAL AUTHORITIES:

ORS 97.010(1) "Human remains" or "remains" means the body of a deceased person in any stage of decomposition or after cremation.

ORS 97.220(1) The remains of a deceased person interred in a plot in a cemetery may be removed therefrom with the consent of the cemetery authority and written consent of the person who has the right to control the disposition of the remains of the deceased person. If the consent of any such person or of the cemetery authority cannot be obtained, permission by the county court or the board of county commissioners of the county where the cemetery is situated is sufficient. Notice of application to the court for such permission must be given at least 60 days prior thereto, personally or by mail, to the cemetery authority, to the person not consenting and to every other person or authority on whom service of notice is required by the county court or the board of county commissioners.

ORS 432.005(1) "Dead body" means a human body or such parts of such human body from the condition of which it reasonably may be concluded that death occurred.

ORS 432.317(8) Authorization for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus. The authorization shall be issued by the state registrar to a licensed funeral service practitioner or person acting as a funeral service practitioner, upon proper application.

OAR 830-011-0000 Definitions

(5) "Cremated Remains". Cremated remains are the remaining bone fragments after the act of cremation is completed.

(17) "Final Processing". Final Processing is the processing of cremated bone fragments to an unidentifiable dimension.

(21) "Human Remains". Human remains means a dead human body.

(33) "Processed Cremated Remains". As used in this chapter, processed cremated remains are the end result of pulverization, where the residual from the cremation process is cleaned leaving bone fragments reduced to unidentifiable dimensions.

OAR 830-030-0050(2) All residual of the cremation process shall undergo final processing;

OAR 830-030-0060(2) No disinterred human remains shall be transported from one cemetery to another within the State of Oregon or transported out of the state, except by permit of the State Health Division. A disinterred human remains shall be any human remains removed from one cemetery to another cemetery (this does not apply to cremated human remains\cremains).

The Life Cycle of the Oregon Death Certificate

Death occurs in Oregon



Body released to Funeral Service Provider (FSP);
Authorization from medical certifier or Medical
Examiner that body can be moved
from place of death
OAR 333-011-0076(1)



Report and Abstract of Death sent to
County Registrar (where death occurred)
within 24 hours of receipt of body;
Death Abstract retained for two years
ORS 432.317(1)



FSP completes personal data on death
certificate and gives certificate to
medical certifier within 48 hours of death
ORS 432.307(2)



Medical certifier completes medical portion
including cause of death within 48 hours of
receiving death certificate and returns to FSP
ORS 432.307(3)

← Exception: When investigation required by
Medical Examiner. ORS 432.307(4) requires
Medical Examiner to complete medical portion
of death certificate within 48 hours after taking
charge of the case.



Final disposition of the
body can occur
ORS 432.317(2)



FSP sends/takes
death certificate to the
County Registrar within 5
days of death or
date body found
ORS 432.307(1)

← Exception: If death certificate is faxed to the
State or several counties participating in
alternate service, original certificate is held
until noon the day after the certificate was
faxed. If the FSP is not contacted by noon the
day after the certificate is faxed, the death
certificate should be sent to the County
Registrar within 24 hours. See instructions
related to faxing death certificates.

← Exception: If FSP has verbal
consent from medical certifier
that certifier will sign cause of
death as soon as possible,
alternative authorization for
disposition may occur
ORS 432.317(2)



Sexton or other person
in charge of place of
final disposition returns
burial permit (yellow
page of death certificate)
to County Registrar
within ten days of
disposition ORS
432.317(7)



County Registrar reviews
certificate and registers;
certified copies now
available locally until six
months from date of death
ORS 432.040 and ORS
432.085

← Sexton or other person in
charge of place of final
disposition retains green copy
for their records



County Registrar
matches to death
certificate; retains burial
permit for 90 days; death
certificate for 6 months;
and death abstract for 2
years



County Registrar sends
original death certificates
to the state Vital Records
office on Friday of the
week following the week in
which it was registered
OAR 333-011-101(7)

← If death investigated by Medical Examiner, the
pink copy of death certificate returned to
Medical Examiner with the state file number
noted



State registers certificate;
certified copies available
at state



Death certificates held
confidential for 50 years;
then available to public
through State Archive
ORS 432.121(2)