



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5357

Introduced 1/31/2022, by Rep. Randy E. Frese

SYNOPSIS AS INTRODUCED:

410 ILCS 535/1
410 ILCS 535/18

from Ch. 111 1/2, par. 73-1
from Ch. 111 1/2, par. 73-18

Amends the Vital Records Act. Provides that "certifying health care professional" includes a physician assistant. Defines "physician assistant". Provides that in the absence of a certifying health care professional or with his or her approval, a medical certification may be completed and signed by a physician assistant.

LRB102 26021 CPF 35449 b

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 1 and 18 as follows:

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

7 Sec. 1. As used in this Act, unless the context otherwise
8 requires:

9 (1) "Vital records" means records of births, deaths, fetal
10 deaths, marriages, dissolution of marriages, and data related
11 thereto.

12 (2) "System of vital records" includes the registration,
13 collection, preservation, amendment, and certification of
14 vital records, and activities related thereto.

15 (3) "Filing" means the presentation of a certificate,
16 report, or other record provided for in this Act, of a birth,
17 death, fetal death, adoption, marriage, or dissolution of
18 marriage, for registration by the Office of Vital Records.

19 (4) "Registration" means the acceptance by the Office of
20 Vital Records and the incorporation in its official records of
21 certificates, reports, or other records provided for in this
22 Act, of births, deaths, fetal deaths, adoptions, marriages, or
23 dissolution of marriages.

1 (5) "Live birth" means the complete expulsion or
2 extraction from its mother of a product of human conception,
3 irrespective of the duration of pregnancy, which after such
4 separation breathes or shows any other evidence of life such
5 as beating of the heart, pulsation of the umbilical cord, or
6 definite movement of voluntary muscles, whether or not the
7 umbilical cord has been cut or the placenta is attached.

8 (6) "Fetal death" means death prior to the complete
9 expulsion or extraction from the uterus of a product of human
10 conception, irrespective of the duration of pregnancy, and
11 which is not due to an abortion as defined in Section 1-10 of
12 the Reproductive Health Act. The death is indicated by the
13 fact that after such separation the fetus does not breathe or
14 show any other evidence of life such as beating of the heart,
15 pulsation of the umbilical cord, or definite movement of
16 voluntary muscles.

17 (7) "Dead body" means a lifeless human body or parts of
18 such body or bones thereof from the state of which it may
19 reasonably be concluded that death has occurred.

20 (8) "Final disposition" means the burial, cremation, or
21 other disposition of a dead human body or fetus or parts
22 thereof.

23 (9) "Physician" means a person licensed to practice
24 medicine in Illinois or any other state.

25 (10) "Institution" means any establishment, public or
26 private, which provides in-patient medical, surgical, or

1 diagnostic care or treatment, or nursing, custodial, or
2 domiciliary care to 2 or more unrelated individuals, or to
3 which persons are committed by law.

4 (11) "Department" means the Department of Public Health of
5 the State of Illinois.

6 (12) "Director" means the Director of the Illinois
7 Department of Public Health.

8 (13) "Licensed health care professional" means a person
9 licensed to practice as a physician, advanced practice
10 registered nurse, or physician assistant in Illinois or any
11 other state.

12 (14) "Licensed mental health professional" means a person
13 who is licensed or registered to provide mental health
14 services by the Department of Financial and Professional
15 Regulation or a board of registration duly authorized to
16 register or grant licenses to persons engaged in the practice
17 of providing mental health services in Illinois or any other
18 state.

19 (15) "Intersex condition" means a condition in which a
20 person is born with a reproductive or sexual anatomy or
21 chromosome pattern that does not fit typical definitions of
22 male or female.

23 (16) "Homeless person" means an individual who meets the
24 definition of "homeless" under Section 103 of the federal
25 McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) or an
26 individual residing in any of the living situations described

1 in 42 U.S.C. 11434a(2).

2 (17) "Advanced practice registered nurse" means: (i) an
3 advanced practice registered nurse with full practice
4 authority; or (ii) an advanced practice registered nurse with
5 a collaborative agreement with a physician who has delegated
6 the completion of death certificates.

7 (18) "Certifying health care professional" means a
8 physician, physician assistant, or advanced practice
9 registered nurse.

10 (19) "Physician assistant" means a physician assistant who
11 practices in accordance with a written collaborative agreement
12 that includes the completion of death certificates.

13 (Source: P.A. 101-13, eff. 6-12-19; 102-257, eff. 1-1-22.)

14 (410 ILCS 535/18) (from Ch. 111 1/2, par. 73-18)

15 Sec. 18. (1) Each death which occurs in this State shall be
16 registered by filing a death certificate with the local
17 registrar of the district in which the death occurred or the
18 body was found, within 7 days after such death (within 5 days
19 if the death occurs prior to January 1, 1989) and prior to
20 cremation or removal of the body from the State, except when
21 death is subject to investigation by the coroner or medical
22 examiner.

23 (a) For the purposes of this Section, if the place of
24 death is unknown, a death certificate shall be filed in
25 the registration district in which a dead body is found,

1 which shall be considered the place of death.

2 (b) When a death occurs on a moving conveyance, the
3 place where the body is first removed from the conveyance
4 shall be considered the place of death and a death
5 certificate shall be filed in the registration district in
6 which such place is located.

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

25 (2) The medical certification shall be completed and
26 signed within 48 hours after death by the certifying health

1 care professional who, within 12 months prior to the date of
2 the patient's death, was treating or managing treatment of the
3 patient's illness or condition which resulted in death, except
4 when death is subject to the coroner's or medical examiner's
5 investigation. In the absence of the certifying health care
6 professional or with his or her approval, the medical
7 certificate may be completed and signed by his or her
8 associate physician or advanced practice registered nurse,
9 physician assistant, the chief medical officer of the
10 institution in which death occurred, or by the physician who
11 performed an autopsy upon the decedent.

12 (3) When a death occurs without medical attendance, or
13 when it is otherwise subject to the coroner's or medical
14 examiner's investigation, the coroner or medical examiner
15 shall be responsible for the completion of a coroner's or
16 medical examiner's certificate of death and shall sign the
17 medical certification within 48 hours after death, except as
18 provided by regulation in special problem cases. If the
19 decedent was under the age of 18 years at the time of his or
20 her death, and the death was due to injuries suffered as a
21 result of a motor vehicle backing over a child, or if the death
22 occurred due to the power window of a motor vehicle, the
23 coroner or medical examiner must send a copy of the medical
24 certification, with information documenting that the death was
25 due to a vehicle backing over the child or that the death was
26 caused by a power window of a vehicle, to the Department of

1 Children and Family Services. The Department of Children and
2 Family Services shall (i) collect this information for use by
3 Child Death Review Teams and (ii) compile and maintain this
4 information as part of its Annual Child Death Review Team
5 Report to the General Assembly.

6 (3.5) The medical certification of cause of death shall
7 expressly provide an opportunity for the person completing the
8 certification to indicate that the death was caused in whole
9 or in part by a dementia-related disease, Parkinson's Disease,
10 or Parkinson-Dementia Complex.

11 (4) When the deceased was a veteran of any war of the
12 United States, the funeral director shall prepare a
13 "Certificate of Burial of U. S. War Veteran", as prescribed
14 and furnished by the Illinois Department of Veterans' Affairs,
15 and submit such certificate to the Illinois Department of
16 Veterans' Affairs monthly.

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

25 (Source: P.A. 102-257, eff. 1-1-22.)