

By: Representative Holland

To: Public Health and Welfare

HOUSE BILL NO. 562

1 AN ACT TO AMEND SECTION 41-57-13, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT IN CHANCERY COURT PROCEEDINGS FOR AMENDMENTS TO A
 3 DEATH CERTIFICATE, THE STATE MEDICAL EXAMINER AND THE COUNTY
 4 MEDICAL EXAMINER OR COUNTY MEDICAL EXAMINER INVESTIGATOR WHO
 5 CERTIFIED THE INFORMATION SHALL BE MADE DEFENDANTS, IN ADDITION TO
 6 THE STATE DEPARTMENT OF HEALTH; TO AMEND SECTION 41-61-65,
 7 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN CIRCUIT COURT
 8 PROCEEDINGS DISPUTING THE MEDICAL EXAMINER'S DETERMINATION IN AN
 9 AUTOPSY, THE STATE MEDICAL EXAMINER AND THE COUNTY MEDICAL
 10 EXAMINER OR COUNTY MEDICAL EXAMINER INVESTIGATOR WHO CERTIFIED THE
 11 INFORMATION SHALL BE MADE DEFENDANTS; AND FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 **SECTION 1.** Section 41-57-13, Mississippi Code of 1972, is
 14 amended as follows:

15 41-57-13. (1) Death certificate errors in the recording of
 16 personal information of the deceased may be corrected by affidavit
 17 of the informant and the funeral director of the funeral home that
 18 disposed of the body. Items in the medical certification or of a
 19 medical nature may be amended upon receipt of the specified
 20 amendment form from (a) the person originally certifying the
 21 information or, if deceased or incapacitated, from the person
 22 responsible for the completion of such items, or (b) the State
 23 Medical Examiner. All other amendments to a death certificate
 24 require adjudication by a chancery court in the county of
 25 residence of the complainant or in any chancery court district in
 26 the state if the complainant is a nonresident. In all such
 27 proceedings, the State Department of Health, the State Medical
 28 Examiner and the county medical examiner or county medical
 29 examiner investigator who certified the information shall be made
 30 defendants. No death certificate shall be changed or amended by
 31 the State Medical Examiner or any county medical examiner or



32 county medical examiner investigator after he has resigned or been
33 removed from his office as the State Medical Examiner, county
34 medical examiner or county medical examiner investigator.

35 (2) The local registrar of births and deaths in each county
36 in the state shall, at least monthly, supply the county registrar,
37 the tax assessor and the chairman of the county election
38 commission of each county a list of deaths in the counties of
39 individuals of voting age who have not been previously listed.
40 Such lists shall include the following information for each
41 deceased person: full name (as recorded on the death
42 certificate), social security number, date of death, sex, race,
43 age and usual place of residence.

44 (3) No such payment as is provided for in Section 41-57-11
45 shall be made by the board of supervisors unless and until the
46 local registrar shall certify that a list of all deaths of
47 individuals of voting age has been filed with the county voting
48 registrar, tax assessor and with the chairman of the county
49 election commission of the last county of residence of the
50 decedent in this state.

51 (4) In the event that the decedent is a female, who at the
52 time of her death was between the ages of ten (10) and fifty (50)
53 years old, the physician, medical examiner, coroner or other
54 official who certifies the decedent's cause of death shall
55 indicate, where appropriately designated, on the death certificate
56 whether (a) the decedent was pregnant at the time of her death;
57 (b) the decedent had given birth within the preceding ninety (90)
58 days; or (c) the decedent had a miscarriage within the preceding
59 ninety (90) days.

60 **SECTION 2.** Section 41-61-65, Mississippi Code of 1972, is
61 amended as follows:

62 41-61-65. (1) If, in the opinion of the medical examiner
63 investigating the case, it is advisable and in the public interest
64 that an autopsy or other study be made for the purpose of



65 determining the primary and/or contributing cause of death, an
66 autopsy or other study shall be made by the State Medical Examiner
67 or by a competent pathologist designated by the State Medical
68 Examiner. The State Medical Examiner or designated pathologist
69 may retain any tissues as needed for further postmortem studies or
70 documentation. A complete autopsy report of findings and
71 interpretations, prepared on forms designated for this purpose,
72 shall be submitted promptly to the State Medical Examiner. Copies
73 of the report shall be furnished to the authorizing medical
74 examiner, district attorney and court clerk. A copy of the report
75 shall be furnished to one (1) adult member of the immediate family
76 of the deceased or the legal representative or legal guardian of
77 members of the immediate family of the deceased upon request. In
78 determining the need for an autopsy, the medical examiner may
79 consider the request from the district attorney or county
80 prosecuting attorney, law enforcement or other public officials or
81 private persons. However, if the death occurred in the manner
82 specified in subsection (2)(j) of Section 41-61-59, an autopsy
83 shall be performed by the State Medical Examiner or his designated
84 pathologist, and the report of findings shall be forwarded
85 promptly to the State Medical Examiner, investigating medical
86 examiner, the infant's attending physician and the local sudden
87 infant death syndrome coordinator.

88 (2) Any medical examiner or duly licensed physician
89 performing authorized investigations and/or autopsies as provided
90 in Sections 41-61-51 through 41-61-79 who, in good faith, complies
91 with the provisions of Sections 41-61-51 through 41-61-79 in the
92 determination of the cause and/or manner of death for the purpose
93 of certification of that death, shall not be liable for damages on
94 account thereof, and shall be immune from any civil liability that
95 might otherwise be incurred or imposed.

96 (3) Family members or others who disagree with the medical
97 examiner's determination shall be able to petition and present



98 written argument to the State Medical Examiner for further review.
99 If the petitioner still disagrees, he may petition the circuit
100 court which may, in its discretion, hold a formal hearing. In all
101 such proceedings, the State Medical Examiner and the county
102 medical examiner or county medical examiner investigator who
103 certified the information shall be made defendants. All costs of
104 the petitioning and hearing shall be borne by the petitioner.

105 **SECTION 3.** This act shall take effect and be in force from
106 and after July 1, 2002.

