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## Health Care & Wellness Committee

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### HB 1251

**Brief Description:** Improving the timeliness and accuracy of the issuance of a report of death.

**Sponsors:** Representative Wylie.

**Brief Summary of Bill**

- Authorizes a state or local registrar to amend a report of death to correct demographic information upon receipt of an application from a decedent's immediate family within two years of the decedent's death.
- Specifies that failing to timely produce a report of death as required by law, two or more times in a calendar year, is unprofessional conduct for purposes of the Uniform Disciplinary Act.

**Hearing Date:** 1/21/25

**Staff:** Kim Weidenaar (786-7120).

**Background:**

Vital Records.

The Department of Health (DOH) collects and stores all reports of specific vital life events in the state. These vital life events include births, deaths, fetal deaths, marriages, marriage and domestic partnership dissolutions, marriage and domestic partnership annulments, and legal separations. The Secretary of Health (Secretary) is in charge of the state vital records and must appoint a state registrar that is responsible for the system's operations and integrity, developing uniform vital statistics reporting requirements and forms for local registrars across the state, reviewing reports, and taking measures to prevent the fraudulent use of vital records. Under the direction and control of the state registrar, the local health officer of each health jurisdiction is a local registrar.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

The DOH rules require electronic reporting of vital records through the web application, Washington Health and Life Event System (WHALES), to register vital life events, amend vital records, and issue certified copies of vital records in Washington State. Medical providers, medical examiners, coroners, funeral homes, and local deputy registrars must use WHALES to register and complete a death record within five days. Once registered, the DOH and the local health jurisdictions use WHALES to issue death certificates. The DOH rules require electronic reporting through the WHALES death registration module to standardize the registration process.

#### *Registration of Death.*

For each death in Washington, a complete report of death must be filed with the local registrar in the local health jurisdiction where the death occurred. The report must be filed within five days after the death or finding the remains and before final disposition of the human remains. If a report of death is completed and filed in accordance with the requirements, the local registrar must issue a burial-transit permit or disinterment permit. A person may not provide for final disposition of human remains until the report of death has been registered and a burial-transit permit has been obtained. The funeral director, funeral establishment, or person having the right to control the disposition of remains must deliver the burial-transit permit to the person in charge of the funeral establishment, crematory, or cemetery, or attach the permit to the container holding the remains when shipped by transportation company. A person may not bring into, or transport within, Washington; inter, deposit in a vault, grave, or tomb; or cremate or otherwise dispose of the human remains of any person whose death occurred outside this state, unless the human remains are accompanied by a burial-transit permit or other document issued in accordance with the laws in force where the death occurred.

A local registrar must review filed reports of death to ensure they are complete, request missing information or corrections, ensure issuance of the burial-transit permit, and register a report of death with the DOH if it has been completed and submitted as required.

#### *Amending Reports of Death.*

A medical certifier, coroner, medical examiner, or local health officer must submit an affidavit of correction to the state registrar to amend the report of death within five calendar days of receiving of an autopsy result or other information that completes or amends the cause of death from that originally filed with the DOH. The DOH may require a medical certifier, coroner, medical examiner, or local health officer to provide additional or clarifying information to properly code and classify cause of death.

The state registrar may amend certification items on state vital records. The state registrar may deny an application to amend a vital record if the application is not complete or the state registrar has cause to question the validity or adequacy of the applicant's statements or evidence.

#### Uniform Disciplinary Act.

Health care providers are licensed and regulated by the relevant disciplining authority for each health care profession. The Uniform Disciplinary Act (UDA) is a standardized set of procedures

for enforcing laws concerning licensure and misconduct of licensed health care professionals and includes a list of acts that constitute unprofessional conduct. After a hearing and upon a finding that a license holder has committed unprofessional conduct, the disciplining authority is required to issue an order including appropriate sanctions. Possible sanctions include: revocation of the license; suspension of the license; restriction or limitation of practice; requiring the satisfactory completion of a specific program of remedial education or treatment; the monitoring of the practice by a supervisor approved by the disciplining authority; censure or reprimand; compliance with conditions of probation; payment of a fine; corrective action; refund of fees billed to and collected from the consumer; or surrender of license in lieu of other sanctions.

#### Continuing Education.

The disciplining authority for physicians is the Medical Commission (Commission). The Commission may establish rules governing mandatory continuing education requirements for physicians renewing their licenses.

#### **Summary of Bill:**

##### Amending Reports of Death.

A medical certifier, coroner, medical examiner, or local health officer must submit an affidavit of correction to the state registrar to amend the report of death within five calendar days of receiving of information that corrects demographic or other relevant information from that originally filed with the DOH. The DOH may require a medical certifier, coroner, medical examiner, or local health officer to provide additional or clarifying information to properly enter demographic or other relevant information for the decedent.

A state or local registrar may amend a report of death to correct demographic information upon receipt of an application from a decedent's immediate family within two years of the decedent's death. An immediate family member is defined to include children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, aunts, uncles, and a person who was legally married or in a state-registered domestic partnership with the decedent at the time of death and includes adoptive family.

##### Training Requirements.

The Medical Commission is authorized to include, as part of the continuing education requirements, a requirement that any physician who in the normal course of practice may certify a report of death has received training on entering information into the DOH's vital records system.

##### Uniform Disciplinary Act.

Failing to timely produce a report of death as required by law, two or more times in a calendar year, is added to the list of unprofessional conduct for purposes of the UDA.

##### Interstate Coordination.

The Secretary must work with insurance regulators and providers in bordering states to have

practitioners of health professions in those states qualified to utilize the DOH's vital records system, in order to allow these practitioners to certify a report of death of a citizen of Washington who dies in a bordering state.

**Appropriation:** None.

**Fiscal Note:** Requested on January 14, 2025.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.