

# State of Wisconsin



2023 Senate Bill 174

Date of enactment: **March 22, 2024**

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## 2023 WISCONSIN ACT 172

**AN ACT to amend 69.18 (2) (b), 69.18 (2) (d) and 448.02 (3) (a); and to create 69.18 (2) (g) of the statutes; relating to: requiring use of the electronic system of vital records for medical certifications of death.**

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council Study Committee on Uniform Death Reporting Standards.

Current law requires the Department of Health Services (DHS) to establish an Office of Vital Records and appoint a state registrar who, among other duties, directs the system of vital records. DHS currently uses an electronic system of vital records.

Current law requires that a death record be filed by certain parties identified in statute, a function most commonly fulfilled by a funeral director. The filing party must obtain certain factual information for the death record and then, within 24 hours of being notified of a death, present the record to the appropriate individual for completion of the medical certification, which is a portion of the death record providing cause-of-death and other information. Depending on the circumstances of the death, the medical certification may be completed and signed by a medical examiner, coroner, physician, or other specified medical professionals with access to a decedent's medical history. Current law requires that the individual completing and signing the medical certification return the death record to the filing party either by mailing the death record within 5 days after the pronouncement of death or presenting the death record within 6 days after the pronouncement of death. The filing party then submits the death record to the local vital records office for registration with DHS's Office of Vital Records.

Under current practice, the electronic system of vital records is widely used by funeral directors, medical examiners, and coroners, and less commonly used by other individuals authorized to complete a medical certification, such as physicians. Those individuals who complete a medical certi-

fication without use of the electronic system of vital records instead use a "fax attestation form." Under this method, the medical certification is sent by facsimile to the filing party for manual entry into the electronic system of vital records.

The bill requires any person who completes and signs a medical certification to use the electronic system of vital records to complete and sign the medical certification as required under current law. The bill also eliminates the option for individuals completing and signing the medical certification to mail the death record to the filing party. Finally, the bill delays the effective date of these provisions for 24 months.

**SECTION 1.** 69.18 (2) (b) of the statutes is amended to read:

69.18 (2) (b) If a person under the care of a physician dies from the illness or condition for which the care is given and a coroner or medical examiner does not certify the cause of death under par. (d) 1., the physician shall complete and sign a medical certification for the death under par. (f) and mail the medical certification within 5 days after the pronouncement of death or use the state registrar's electronic system of vital records to present the medical certification to the person responsible for filing the death record under sub. (1) within 6 days after the pronouncement of death.

**SECTION 2.** 69.18 (2) (d) of the statutes is amended to read:

69.18 (2) (d) 1. Except as provided under par. (e), if a death is the subject of a coroner's or medical examiner's determination under s. 979.01 or 979.03, the coroner or medical examiner or a physician supervised by a coroner

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

or medical examiner in the county where the event which caused the death occurred shall complete and sign the medical certification for the death and ~~mail the death record within 5 days after the pronouncement of death or use the state registrar's electronic system of vital records to~~ present the record to the person responsible for filing the death record under sub. (1) within 6 days after the pronouncement of death.

2. Except as provided under par. (e), if the decedent was not under the care of a physician for the illness or condition from which the person died, the coroner or medical examiner, or a physician supervised by a coroner or medical examiner, in the county of the place of death shall complete and sign the medical certification for the death and ~~mail the death record within 5 days after the pronouncement of death or use the state registrar's electronic system of vital records to~~ present the record to the person responsible for filing the death record under sub. (1) within 6 days after the pronouncement of death.

3. For a medical certification under this paragraph, except a medical certification of the cause of death of an indigent, a coroner or medical examiner may charge a fee established by the county board, not to exceed an amount reasonably related to the actual and necessary cost of providing the medical certification. The coroner or medical examiner, or the physician employed by the coroner or medical examiner, shall ~~mail or use the state registrar's electronic system of vital records to~~ present a medical certification as required under subd. 1., whether or not the fee has been paid.

**SECTION 3.** 69.18 (2) (g) of the statutes is created to read:

69.18 (2) (g) Any person who completes and signs medical certifications under this subsection shall use the state registrar's electronic system of vital records to present the medical certification as required under this subsection.

**SECTION 4.** 448.02 (3) (a) of the statutes is amended to read:

448.02 (3) (a) The board shall investigate allegations of unprofessional conduct and negligence in treatment by persons holding a license or certificate granted by the board. An allegation that a physician has violated s. 253.10 (3), 448.30 or 450.13 (2) or has failed to ~~mail or~~ present a medical certification required under s. 69.18 (2) within 21 days after the pronouncement of death of the person who is the subject of the required certificate or that a physician has failed at least 6 times within a 6-month period to ~~mail or~~ present a medical certificate required under s. 69.18 (2) within 6 days after the pronouncement of death of the person who is the subject of the required certificate is an allegation of unprofessional conduct. Information contained in reports filed with the board under s. 49.45 (2) (a) 12r., 50.36 (3) (b), 609.17 or 632.715, or under 42 CFR 1001.2005, shall be investigated by the board. Information contained in a report filed with the board under s. 655.045 (1), as created by 1985 Wisconsin Act 29, which is not a finding of negligence or in a report filed with the board under s. 50.36 (3) (c) may, within the discretion of the board, be used as the basis of an investigation of a person named in the report. The board may require a person holding a license or certificate to undergo and may consider the results of one or more physical, mental or professional competency examinations if the board believes that the results of any such examinations may be useful to the board in conducting its investigation.

**SECTION 4m. Nonstatutory provisions.**

(1) The department of health services shall within a reasonable time implement nationally recognized health information exchange standards to ensure interoperability of its electronic system of vital records and other electronic health record software in support of workflows related to medical certifications for death records.

**SECTION 5m. Effective dates.** This act takes effect on the first day of the 24th month beginning after publication, except as follows:

(1) SECTION 4m of this act takes effect on the day after publication.