SPECIAL EDITION ON HB2093 IMPLEMENTATION

The Center for Health Statistics (CHS) has been providing information on the Vital Records Modernization bill since introduced to the 2013 Oregon Legislature. The purpose of this special edition newsletter concerning the Oregon report of death is to provide information and resources to implement the changes in law and rules. Throughout this newsletter we will use the updated language of report of death and record of death. Since the information exists in a single system before and after registration, we use ‘report’ for the information before registered and ‘record’ for the complete, officially accepted information.

Doctors from bordering states can sign

This is likely the easiest implementation available. Just stop doing the extra work of trying to identify an Oregon doctor, nurse practitioner or physician assistant to sign the report of death before having the primary care provider in Washington, Idaho or California do so.

(Continued on Page 2)
Process for amendments to death records

New law and rules clarify responsibility and authority to amend records. One area of significant change is amending marital status at time of death and the spouse’s name. This item is very important for legal rights to inheritances, eligibility of survivor benefits for pensions and social security, and possibly liability for debts. The new rule, OAR 333-011-0300, details the evidence required for specific situations (see attached flow diagram).

Using (5) of the flow diagram as an example, the informant has agreed to the amendment and the record currently shows decedent as widowed and spouse is blank on the record. ((5) refers to the subsection of the rule). To correct the record to married and list the spouse, CHS would receive

- A correction affidavit from the informant,
- An affidavit from the spouse, and
- A certified copy of the marriage record.

The funeral home is not responsible for and cannot submit the amendment under the funeral director’s name unless the funeral home made the error when entering information provided by the informant. This type of correction is supported by subsection (9) of the rule. We hope this removes the funeral home from disputes between family members for this specific item.

We will also be changing the correction affidavit form to separate those by licensed data providers (funeral home and medical certifier) which do not require notarized signatures and those by the informant and next of kin.

Order forms required at county

Frequently funeral homes are not completing order forms when submitting the report of death to the county vital records office. This is most likely because the specific record is already identified, eligibility is assumed, and the purpose is generalized to legal needs of the family. Under the new law, an application must be received for all issuances. We have developed an order form specific to funeral homes (attached). The order form will be a fillable pdf and funeral homes can key the funeral home name, address and telephone number once, then save that form for future use. This form is out for review and suggestions are welcome. All suggestions must be received by November 29th for the version of the order form that will be in effect on January 1, 2014.

The form requires only county of death, decedent’s name and date of death to order.

(Continued on page 3)
In addition, the form supports other provisions of the law including short certified copies for property transfer and proof of application for veterans’ copies.

**Short form certified copies only for property transfers in Oregon**

To facilitate appropriate use of short form certified copies, we have included a brief description of uses on the order form. Our intent is that the funeral director reviews the order form with the family to determine the type of certified copies needed.

The county clerk must have certified copies without cause of death for certified copies issued after January 1, 2014 if the death occurred after 1977. We have attached the handout provided to the county clerks for public use on this point.

**Free veterans’ copies require proof of application**

HB 2093 requires proof of application to support the need for the free certified copies for veterans’ benefits. These certified copies should never be given to the family. We have found that families do not understand the legal limitation of the ‘Veterans Use Only’ certified copies and attempt to use the certified copies for general purposes.

In support of this need, the funeral home order form includes a statement by the funeral director (initialed) that he or she has confirmed there is an application for veterans’ benefits pending that requires a certified copy. One copy will be sent to the county veterans’ services officer and one copy will be sent to the national veterans’ services officer, as marked on the form.

**24 hour receipt of body card still required**

Although the public abstract of death ends December 31, 2013, the notice to the vital records office in the county where death occurred remains. The postcard-sized form now serves only as the notice of receipt of body. Initial supplies are being sent to each funeral home in Oregon by mid-November. Please use the existing form for deaths occurring through December 31, 2013 and the new forms effective January 1, 2014.

By law, this form is to be sent to the county within 24 hours of receipt of the body. Funeral homes should not hold the form until submitting the report of death to the county. On average, the report of death arrives at the county vital records’ offices six to ten days after the date of death. This is well beyond the 24 hours notice required by law.

**How to find the report of death in OVERS if hospital starts record**

Hospitals have the ability and legal right to start the report of death in OVERS. We know it is often difficult to match up to reports started by Medical Examiners and expect this same difficulty with hospital deaths. To minimize the impact, we are asking hospitals to wait for the funeral home to start the death record. If the hospital chooses to start the report of death, we are asking for a standard practice of printing a working copy from OVERS to accompany the body to the funeral home. This would provide the exact name and date of death to find the record (under Start/edit new case since not yet ‘owned’) in OVERS.

If you think the hospital has started the report of death and you cannot identify the record in OVERS, you are always welcome to call the OVERS help desk for assistance.

*See both post card forms on Page 4*
Limitations on providing certified copies of death

There are two provisions, one in law and one in proposed rule, limiting the funeral home purchase of certified copies.

- **Two years from date of death**

  The funeral home can order certified copies of the record of death based solely on their role as the funeral home of record for two years after the date of death. After that, the funeral home can assist families if they choose to do so, but the family member must order the certified copies directly from the state.

- **Certified copies ordered only on behalf of those eligible to order for themselves**

  We do not anticipate a change in current process for funeral homes who order for family members, informants, and possibly for insurance payable directly to the funeral home. All of these groups and purposes are supported in law as immediate family or protection of a property right.

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**24-HOUR NOTICE OF RECEIPT OF BODY**

Public Health Division — Center for Health Statistics

- Full name of deceased:
- Date of death:
- County of death:
- Place of death (street, city or institution):
- Funeral home name and address:
- Medical examiner notified?:
  - Yes
  - No
- Date report filed:
- Date report sent to state:
- Local file number (optional):
- I.D. tag number:
- Disposition permit received?:
  - Yes
  - No
  - If yes, date received:
- **Check if fetal death**
  - Mother’s name from Report of Fetal Death:

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**REPORT AND ABSTRACT OF DEATH**

Public Health Division — Center for Health Statistics

- Name of deceased:
- Date of death:
- County of death:
- Place of death (street, city or institution):
- Funeral home name and address:
  - M.E.:
    - Yes
    - No

**FOR REGISTRAR USE**

- Date certificate filed:
- Local number:
- Date certificate sent to state:
- Tag number:
- Name of spouse:
  - Permit received?:
    - Yes
    - No
  - Date received:

**THIS IS NOT A VALID CERTIFICATE OF DEATH AND THIS INFORMATION MAY DISAGREED WITH THE LEGAL DEATH CERTIFICATE**

45-196 (10/10)
Wanted—Newsletter topics
Have a question or idea for a future newsletter article? Contact Judy Shioshi, at 971-673-1166 or judy.shioshi@state.or.us. Judy collects ideas for articles and then shares them with the writing team.

We’re just a phone call way
Have a question? Try asking one of the helpful CHS staff listed below.

<table>
<thead>
<tr>
<th>Frequent Contacts</th>
<th>CHS Managers</th>
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<tbody>
<tr>
<td><strong>Cause of Death</strong></td>
<td><strong>State Registrar</strong></td>
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<tr>
<td>Melissa Franklin</td>
<td>Jennifer Woodward</td>
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<tr>
<td>971-673-1144</td>
<td>971-673-1185</td>
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<td><strong>Death Corrections</strong></td>
<td><strong>Amendments/Certification Manager</strong></td>
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<tr>
<td>Patty Thompson</td>
<td>Carol Sanders</td>
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<td>971-673-1163</td>
<td>971-673-1178</td>
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<tr>
<td><strong>OVERS Helpdesk</strong></td>
<td><strong>Statistics Manager</strong></td>
</tr>
<tr>
<td>971-673-0279</td>
<td>Joyce Grant-Worley</td>
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<tr>
<td><strong>Registration Manager</strong></td>
<td><strong>Registration Manager</strong></td>
</tr>
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<td><strong>State Registrar</strong></td>
<td>JoAnn Jackson</td>
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<td><strong>Amendments/Certification Manager</strong></td>
<td>971-673-1160</td>
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<td><strong>OVERS Manager</strong></td>
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<tr>
<td><strong>Registration Manager</strong></td>
<td>Karen Hampton</td>
</tr>
<tr>
<td><strong>Certification Supervisor</strong></td>
<td>971-673-1191</td>
</tr>
<tr>
<td><strong>OVERS Helpdesk</strong></td>
<td><strong>Data Processing Supervisor</strong></td>
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<td>971-673-0279</td>
<td>Cynthia Roeser</td>
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<td><strong>OVERS Manager</strong></td>
<td>971-673-0478</td>
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<td><strong>Certification Supervisor</strong></td>
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<td>Karen Hampton</td>
<td>Karen Rangan</td>
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<tr>
<td>971-673-1191</td>
<td>971-673-1182</td>
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The Center for Health Statistics’ office is located at:

800 N.E. Oregon St., Suite 225
Portland, OR 97232-2162

Mailing Address: P.O. Box 14050
Portland, OR 97293-0050

General Information: 971-673-1180
To Order Vital Records: 1-888-896-4988


Oregon death record has proposed amendment to marital/partnership status or name of spouse/partner

Informant is notified; opportunity to agree or disagree

Informant agrees with proposed amendment and submits notarized affidavit to correct and documentation as specified

Informant disagrees with proposed amendment

(6) Any change to marital/partnership status and surviving spouse/partner other than listed here requires court order

(2) Record as it is:
Married/partnered and name of spouse/partner listed

(3) Record as it is:
Married/partnered and name of spouse/partner blank or unknown

(4) Record as it is:
Married/partnered and name of spouse/partner listed

(5) Record as it is:
Divorced/widowed/never married and no spouse/partner listed

(7) Court order required*

(8) Record as it should be:
Widowed and spouse/partner removed; death record of spouse/partner*

(9) Any item other than signatures and funeral home can be amended if required because of clerical error.

* Documents used to change death record must reflect events that occurred prior to the decedent’s date of death. All copies of record used to amend death records must be certified copies from vital records or court certified copies of court orders.
Funeral home order for certified copies of death record

County where death occurred: ______________________

Decedent’s name: ________________________________

Date of death: _____________ (must be within two years of date of death)

Certified copies:

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>_______</td>
<td>Short/fact of death (used for property transfer, termination of accounts, landlords, and other legal needs unrelated to cause of death)</td>
</tr>
<tr>
<td>_______</td>
<td>Long with cause of death (used for insurance and other benefit claims related to cause of death)</td>
</tr>
<tr>
<td>_______</td>
<td>Veteran’s copy</td>
</tr>
</tbody>
</table>

☐ I have confirmed there is an application pending that requires a certified copy of the death record. _____ (initials)

☐ Send to county veterans services
   Name: ________________________________
   Address: ________________________________

☐ Send to national service officer
   Name: ________________________________
   Address: ________________________________

Relationship to decedent: Funeral home on record
Reason for needing record: Legal needs of informant/family

Funeral home name: Prefilled by funeral home and saved
   Address: Prefilled by funeral home and saved
   Telephone: Prefilled by funeral home and saved

☐ Will pick up

________________________________________   __ ____________
Person receiving (signature)       Date

☐ Mail certified copies to ☐ funeral home
   ☐ informant/family (name and address below)
   Name: ________________________________
   Address: ________________________________
   ________________________________

Date county mailed ________________
‘Short’ Certified Copies of Death Records for Property Transfers

In June 2013, the Oregon Legislature passed House Bill 2093 known as the Vital Records Modernization bill. This bill takes effect January 1, 2014. One of the provisions of the law requires that certified copies of death records used to transfer property not include cause of death information.

Why not include cause of death information?
Death records are confidential in Oregon. Property records are public information. To meet both needs as well as we can, certified copies of death must have the information necessary to identify the property owner (name, date of birth, spouse’s name, parents’ names) and not include information that does not affect the property transfer (cause of death, tobacco use, pregnancy in past year). Since the certified copy of the death record is maintained with the property records, it must be a short form without cause of death information.

This new requirement applies to all certified copies submitted to transfer property in Oregon where:
- The death occurred after 1977 and
- The death occurred in Oregon and
- The certified copy is issued after January 1, 2014.

Certified copies that do not include cause of death information, also called ‘short’ forms, are available from the same sources as certified copies that include cause of death information (long forms). The county where the death occurred can issue certified copies up to six months after date of event and the state vital records office issues certified copies at all times. There is no difference in cost between a short form and a long form.

The Center for Health Statistics has information on HB 2093 available online at http://public.health.oregon.gov/BirthDeathCertificates/Pages/hb2093.aspx. If you have questions about the new law, you can contact Karen Hampton at Karen.R.Hampton@state.or.us or by telephone 971-673-1191.

Public Health Division—Center for Public Health Practice—Center for Health Statistics