

ACCEPTED 6/13/23
OFFICE OF ADMINISTRATIVE RULES
OKLAHOMA SECRETARY OF STATE
DOCKET# 23-514 OAR/cert CN

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 105. VITAL STATISTICS**

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 5. Death Registration
310:105-5-4 [AMENDED]

AUTHORITY:

Commissioner of the Oklahoma State Department of Health; 63 O.S. § 1-104, § 1-304

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

October 20, 2020

COMMENT PERIOD:

November 15, 2022 through December 15, 2022

PUBLIC HEARING:

December 15, 2022

ADOPTION:

October 17, 2022

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

January 25, 2023

LEGISLATIVE APPROVAL:

Approved May 31, 2023 by SJR 22

FINAL ADOPTION:

May 31, 2023

EFFECTIVE:

September 11, 2023

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

The proposed rule would provide amendment authority of the medical portion of a death certificate for those who are authorized by statute to complete and sign the medical certification. The purpose of the rule change is to align and comply with HB 2009 which became effective November 1, 2021 and with SB1322 which became effective and November 1, 2022. HB2009 authorized attending Advanced Practice Registered Nurses to complete and sign death certificates. SB1322 authorized attending Physician Assistants for the same. The proposed amendment adds these two groups as authorized to amend the medical portion of any death certificate they certified.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, 405-426-8563. AudreyT@health.ok.gov.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2023:

SUBCHAPTER 5. DEATH REGISTRATION

310:105-5-4. Amendments of death registrations

- (a) **Causes of death.** The cause of death or any other medical portion of the death certificate may be amended only upon the application of the medical examiner or the ~~attending~~ certifying physician, advanced practice registered nurse or physician assistant as authorized by Title 63 O. S. § 1-317.
- (b) **Minor corrections.** Minor corrections to a death certificate shall be made only upon the application of the funeral home which must attest that the corrections are being made based on mistake made by the funeral home.
- (c) **Other corrections.** Any applicant that desires to make a change, alteration or amendment not provided for in paragraphs (a) through (b) of this section may file a petition with the Administrative Hearing Clerk pursuant to OAC 310:2 and seek a final decision by an Administrative Law Judge granting the relief requested. The applicant shall bear the burden of proof, by clear and convincing evidence that the proposed change, alteration or amendment sought by the Applicant corrects an error or misstatement of fact as to any information supplied to the State Registrar by the funeral home.