

# Title 310 - Oklahoma State Department of Health

## Chapter 105 - Vital Statistics

### Subchapter 5 - Death Registration

#### 310:105-5-1. Death registration

(a) **Certificate properly filed; when.** An attending physician's certificate of death, medical examiner's certificate of death, or fetal death shall be considered properly filed when all items thereon have been satisfactorily and definitely answered in accordance with the instructions of the Commissioner of Health and when the certificate has been presented to the local registrar in the registration district in which death occurred or the body was found.

(b) **Fetal death defined.** A gestation period of twenty (20) weeks or more is hereby prescribed in defining the term "fetal death."

#### 310:105-5-2. Delayed death certificates

When a death has occurred in this State and has not been registered with the Vital Records Division, it may be registered by using the current certificate of death form when one of the following conditions is met:

(1) The certificate of death is signed by the attending physician in charge of the patient's care for the illness or condition which resulted in death.

(2) If death occurred in a hospital and the attending physician is no longer available, the medical certification may be completed on the basis of information contained in the permanent files of the hospital and signed by the medical records librarian. In such cases, it shall be noted on the face of the certificate that the information as shown is taken from the hospital records.

(3) If death was due to an accident, the medical examiner that originally investigated the case and who originally had the responsibility for certifying the cause of death shall sign a medical examiner's certificate of death.

(4) If death was due to an accident and the medical examiner originally responsible for completion is not available, then the Chief Medical Examiner may sign the certificate and certify the cause of death on the basis of information concerning the deceased contained in his files.

(5) All certificates filed more than twelve (12) months after the date of death shall be filed as a delayed filing and shall indicate the date signed by the physician or hospital personnel and shall indicate the date placed on permanent file. It shall be indicated on the face of the certificate that it is a delayed filing by the State Registrar when placing on permanent file.

#### 310:105-5-3. Coordination of birth and death certificates

When the State Registrar receives a death certificate or notification of death of a person born in the State of Oklahoma, any copies of the birth certificate shall indicate that the person is deceased.

[Source: Added at 17 Ok Reg 2924, eff 7-13-00]

#### 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 physician.

(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.

[Source: Added at 17 Ok Reg 2924, eff 7-13-00; Amended at 24 Ok Reg 1905, eff 6-25-07]