

PUBLIC CHAPTER NO. 866**HOUSE BILL NO. 2825****By Representative Shepard****Substituted for: Senate Bill No. 2684****By Senator Jackson**

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 3, Part 5, relative to certificates of death.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-3-502, is amended by deleting subsection (c)(1) and substituting instead the following:

(1) The medical certification shall be completed, signed and returned to the funeral director by the physician in charge of the patient's care for the illness or condition that resulted in death within forty-eight (48) hours after death, except when inquiry is required by the county medical examiner. In the absence of the physician, the certificate may be completed and signed by another physician designated by the physician or by the chief medical officer of the institution in which the death occurred. In cases of deaths that occur outside of a medical institution and are either unattended by a physician or not under hospice care, the county medical examiner shall investigate and certify the death certificate when one of the following conditions exist:

(A) There is no physician who had attended the deceased during the four (4) months preceding death, except that any physician who had attended the patient more than four (4) months preceding death may elect to certify the death certificate if the physician can make a good faith determination as to cause of death and if the county medical examiner has not assumed jurisdiction; or

(B) The physician who had attended the deceased during the four (4) months preceding death communicates, orally or in writing, to the county medical examiner that in the physician's best medical judgment, the patient's death did not result from the illness or condition for which the physician was attending the patient.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 3, Part 5, is amended by adding the following as a new section:

68-3-513. Any physician who in good faith complies with the provisions of Section 68-3-502(c)-(g) shall be immune from civil suit for damages.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 21, 2008



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 6th day of May 2008



PHIL BREDESEN, GOVERNOR