

SENATE BILL 359

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 3, Part 5, relative to vital records.

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

SECTION 1. Tennessee Code Annotated, Section 68-3-502(c), is amended by adding the following as a new subdivision (4):

(4) A medical examiner shall not list suicide as the cause of death of a person, unless the death is the result of a willful and voluntary act of a person who understands the physical nature of the act, and intends by it to accomplish the person's own death by self-termination while in the possession and enjoyment of the person's mental faculties. There is a presumption against a determination of cause of death by suicide, and this presumption must be overcome with a showing of proof beyond a reasonable doubt by the medical examiner in order for the cause of death to be determined to be suicide. Where there is no proof indicating either accident or suicide in the case of a death by external violence, or where the proof is equally balanced, or is conflicting, the medical examiner shall list the cause of death as accidental or undetermined.

SECTION 2. Tennessee Code Annotated, Section 68-3-502, is amended by adding the following as a new subsection (i):

(1) If, after inquiry, the cause of death is determined to be suicide, the deceased's spouse, parent, guardian, next of kin, or estate administrator may seek reconsideration of the findings of the medical examiner within one (1) year from the date the death certificate is filed with the office of vital records. Such reconsideration must be made in writing to the commissioner of health, state the nature and reasons for the reconsideration, and be supported by an affidavit signed by the requesting party.

(2) The commissioner of health, or the commissioner's designee, shall notify and provide a copy of the reconsideration request to the medical examiner who signed the death certificate within ten (10) business days after receiving the request for reconsideration.

(3) Within thirty (30) days after receiving notice of the reconsideration request, the medical examiner who signed the death certificate shall have an in-person meeting or teleconference, as determined by the requesting party, with the requesting party seeking reconsideration, at which meeting or teleconference the requesting party shall present the reasons supporting the finding that the death should be recorded as accidental or undetermined. The medical examiner shall consider the presumption against a finding of cause of death by suicide during the reconsideration process in deciding whether or not a death is the result of suicide. The medical examiner shall make a written determination on the reconsideration within ten (10) business days after the reconsideration meeting, and shall notify the requesting party and commissioner in writing. If the medical examiner who signed the medical certification is no longer in a position as county medical examiner, then the current county medical examiner shall participate in the reconsideration.

(4)

(A) If, after reconsideration, the determination of death is accidental death or undetermined, the medical examiner shall file a corrected death certificate with the office of vital records within thirty (30) days.

(B) If, after reconsideration, the findings of the medical examiner are determined to be erroneous, the medical examiner shall file a corrected death certificate with the office of vital records within thirty (30) days.

(C) If, after reconsideration, the determination of death remains suicide, then the requesting party may seek review of that decision by requesting a

contested case hearing, which the department shall conduct pursuant to the
Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

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