

SENATE BILL 1757

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 3, relative to death.

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

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

(i)

(1) When a county medical examiner suspects that suicide may be a potential manner of death, the medical examiner is encouraged to consult the decedent's treating mental health professional, if known or applicable, prior to determination of manner of death.

(2)

(A) If, after inquiry by the county medical examiner pursuant to title 38, chapter 7, part 1, the medical examiner determines a decedent's manner of death to be suicide and the deceased's next of kin disputes the manner of death determination on the death certificate, the next of kin may seek reconsideration of the manner of death determination.

(B) To seek reconsideration pursuant to subdivision (i)(2)(A), the next of kin must submit a written request for reconsideration to the county medical examiner who signed the death certificate, the chief medical examiner of the regional forensic center where the autopsy was performed, and the commissioner of health, stating the nature and reasons for the reconsideration. If the county medical examiner who signed the death certificate is no longer the county medical examiner,

then the notice shall be sent to the current county medical examiner instead. The written request for reconsideration must be submitted within one (1) year of the date the death certificate is filed with the office of vital records and must be supported by a signed affidavit.

(3) Within thirty (30) days after receiving written notice of the reconsideration request pursuant to subdivision (i)(2)(B), the county medical examiner shall meet with the requesting next of kin. The meeting shall be either in person or via teleconference, at the discretion of the requesting next of kin. At the meeting, each party shall present the reasons supporting their position with respect to the manner of death, including any relevant documentation. The county medical examiner shall make a written determination on the reconsideration within thirty (30) days after the reconsideration meeting and shall notify the requesting next of kin, the chief medical examiner of the regional forensic center where the autopsy was performed, and the commissioner of health 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 meeting and issue the written determination on the reconsideration instead.

(4) If, after reconsideration made pursuant to subdivision (i)(3), the county medical examiner finds a change in the manner of death determination is warranted, the county medical examiner shall file an affidavit within thirty (30) days directing the office of vital records to issue an amended death certificate to reflect the county medical examiner's findings as to manner of death.

(5)

(A) If, after reconsideration made pursuant to subdivision (i)(3), the county medical examiner does not find that a change in the manner of death is warranted and the determination of manner of death is still disputed by the requesting next of kin, the requesting next of kin may

seek further review of the determination by petitioning the chief medical examiner of the regional forensic center in which the autopsy was performed, on a form prescribed by the department of health, to review the medical records, hospital records, death certificate, investigative reports, and any other documentary evidence deemed necessary of the deceased. The chief medical examiner of the regional forensic center shall respond to the requesting next of kin detailing the findings within thirty (30) days with a written report. The report shall state whether the chief medical examiner of the regional forensic center agrees with the determination of manner of death on the death certificate, and, if the chief medical examiner of the regional forensic center disagrees with the determination of manner of death on the death certificate, the report shall detail those findings and the basis for the disagreement. The report shall be sent to the next of kin and the commissioner of health.

(B) If the chief medical examiner of the regional forensic center finds a change in the manner of death determination is warranted, the chief medical examiner shall file an affidavit within thirty (30) days directing the office of vital records to issue an amended death certificate to reflect the chief medical examiner's findings as to manner of death.

(6)

(A) If, after review by the chief medical examiner of the regional forensic center made pursuant to subdivision (i)(5), the determination of manner of death is unchanged, then the requesting next of kin may seek mediation with the chief medical examiner of the regional forensic center

with a Rule 31 mediator under the Rules of the Supreme Court of Tennessee, at the sole expense of the requesting next of kin.

(B) If the chief medical examiner of the regional forensic center finds a change in the manner of death determination is warranted following mediation, the chief medical examiner shall file an affidavit within thirty (30) days directing the office of vital records to issue an amended death certificate to reflect the chief medical examiner's findings as to manner of death.

(7) The department of health shall maintain a notice of decedents' next of kin rights with regard to this subsection (i) on its public website.

(8) As used in this subsection (i), "next of kin" means the person who has the highest priority pursuant to § 62-5-703.

(9) This subsection (i) applies only when the manner of death is determined to be suicide.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to request for reconsideration submitted on or after June 13, 2017.