

Senate Bill 175: The Grieving Parents Act

Impact Statement ***Effective: September 12, 2008***

Ohio Department of Health, Office of Vital Statistics (ODH/VS)

Purpose: To enact the Grieving Parents Act, regarding fetal death certificates for, and burials of, the product of human conception that suffers a fetal death.

Proposed changes which affect Vital Statistics operations:

- 1. Parents may request a fetal death certificate for an under 20 week gestation fetal death (previously only available for gestations of at least 20 weeks or greater).**
- 2. Hospitals/physicians must provide information and a written statement which confirms that a woman was pregnant and that she subsequently suffered a miscarriage that resulted in a fetal death.**
- 3. Gestation for a fetal death is irrespective of the duration of pregnancy (previously was at least 20 weeks or greater, now may be of any gestation).**
- 4. Gestation for a Stillborn is at least 20 weeks of pregnancy (the definition of a Stillborn was redefined).**
- 5. Burial permit is required for an under 20 week gestation when a fetal death certificate is filed. If no fetal death certificate is filed for an under 20 week gestation, then no burial permit is required.**

Guidelines for Processing Fetal Death Certificates Under 20 Weeks

Local Registrars

1. No cause of death is required
2. Can issue certified copy of a fetal death certificate
3. Cannot issue certificate of stillbirth (only available from ODH/VS)
4. Parents have to apply to have a fetal death certificate filed and must have statement from physician
5. Statement form from physician should require physician signature (form does not exist yet)
6. Fetal death certificate can be filed and a burial permit issued, if either the mother or both parents apply
7. If only the father applies, must have a notarized statement from the mother
8. It is not required to register a fetal death death certificate if less than 20 weeks

Funeral Directors

1. May be asked by family to create and file a fetal death certificate for under 20 weeks
2. Must pay for burial or cremation permit with certificate

Physicians

1. Need to create two new forms – statement and application
2. The statement form should require physician signature

Coroners

1. Accident, suicide, homicide, etc. - it has not yet been determined how coroners will note this manner since the manner of death is not required... what about possible criminal implications?

Cemeteries

1. If a fetal death certificate WAS filed, MUST have a burial permit to bury.
2. If a fetal death certificate WAS NOT filed, MAY NOT have a burial permit to bury.

Guidelines for Processing Fetal Death Certificates At 20 Weeks or More

Local Registrars

1. Fetal death certificate and burial permit is required for burial
2. Must be registered on a fetal death certificate form
3. Cause of Death is required to file the certificate
4. Identifying information for parents may not be required if from a purposeful termination (also known as induced termination)

Funeral Directors

1. Must create and file a fetal death certificate if performing final disposition
2. Must have cause of death and medical and health use only data completed before acceptable for filing.
3. Must pay for burial permit

Physicians

1. Must complete and sign fetal death certificate
2. Must have cause of death and medical and health use only data completed

Coroners

1. May complete and sign fetal death certificate
2. Must have cause of death and medical and health use only data completed

Cemeteries

1. Must have a burial permit to bury

General Questions

ODH/VS staff have posed the following questions, which have yet to be answered by the responsible parties.

1. Since an under 20 week gestation fetal death certificate does not need a cause of death, must it be signed by a physician since the parents will have a statement from a physician that the mother had a miscarriage?
2. Does the under 20 week gestation fetal death certificate need the “Information for Medical and Health Use Only” portion completed for the certificate to be acceptable for filing?
3. Do purposeful terminations over 20 weeks of gestation now require a fetal death certificate to be completed, and does it require the cause of death section be completed?
4. Do purposeful terminations over 20 weeks of gestation require the completion of identifying information for the parents?
5. How will it be determined whether a fetal death under 20 weeks of gestation should be referred to a coroner since the cause of death is not placed on the fetal death certificate?
6. If a fetal death under 20 weeks of gestation occurs due to an accident, homicide or suicide, and the coroner wants to list a cause of death for possible legal reasons, would the coroner be able to list a cause since the law specifically states that a cause of death shall not be listed? (ORC 3705.20 (A))
7. How will a cemetery know whether a burial permit was issued if they can accept under 20 week gestation fetuses with and without a burial permit?
8. Will the statement form required to be completed by the physician have the physician signature, and will ODH/VS work to assist in the design of the form to ensure the necessary identifying information is included on the form?