



Questions & Answers Related to 2006 Revised Florida Certificate of Fetal Death

Any questions not addressed in the attached list should be directed to:

Chief Deputy Registrar

OR

Quality Assurance Unit

State Office of Vital Statistics

904/359-6900, exts. 1021, 1056, or 1020

QUESTIONS RELATED TO REVISED FLORIDA CERTIFICATE OF FETAL DEATH

Questions covered are related to the revised Florida Certificate of Fetal Death only, scheduled for January 1, 2006 implementation. The questions are broken into several categories for easy reference.

Although there are changes to the record, the process for obtaining the information, filing and registering the fetal death certificate has not changed. There have been no changes in responsibility in the registration process. Because the fetal death certificate is a combination of both birth and death information, you will see like items from the birth and death certificates mirrored on the fetal death certificate.

FORM RELATED

HIPPA (Health Information Portability and Accountability Act):

1. Q. Does HIPPA law prevent gathering of medical information necessary to complete the form, or does Florida law override the information? Will medical records at the hospital release information to the funeral home or does this fall under the HIPPA rule? Can information be relayed to the funeral director over the phone?

A. According to 45CFR160.203, public health reporting, including births and deaths are exempt from HIPPA. Information may be relayed over the phone.

2. Q. You indicated that getting the information from the hospital has not changed, but it has changed because some hospitals now refuse to provide this info based on the "privacy act".

A. As stated, collection of public health information for vital records is exempt from HIPPA and the hospital must provide that information to the funeral director.

3. Q. Can the state office provide funeral directors with HIPPA information that we can use when dealing with physicians and hospitals? Will the physician's office or medical records office be notified that it is OK to release Medical Health Information to the Funeral Homes?

A. The State Office of Vital Statistics has given no special notification to these physicians or hospitals. However, we are constructing a flyer with HIPPA information and the related statutory references that allow an exemption for birth, death and fetal death records information. You can provide this flyer to physicians, hospitals, medical records, or whoever has a question. Your Chief Deputy Registrar should have it available sometime in January 2006.

Who Completes the Form?:

4. Q. When fetal death occurs in the hospital, will hospital personnel type the fetal death certificate? Will the funeral home complete the fetal death certificate if fetus is transferred to a funeral home? If mother delivers fetus at home and is goes to the hospital, will hospital personnel be typing fetal death certificate?

A. Whoever assumes custody of or effects disposition of the fetus is responsible for filing the certificate.

5. Q. Will the hospital need to have the physician sign as medical certifier?

A. Whoever is filing the record must contact the certifier for cause of death information and physician's signature. Many hospital and medical records staff work cooperatively with the funeral director to get the record completed and signed.

6. Q. Is it the responsibility of Medical Records to obtain the physician's signature?

A. In most cases it is the funeral director's responsibility to obtain the certifier's signature. Procedures may vary from hospital to hospital as to the level of assistance offered to the funeral director in obtaining the physician's signature.

7. Q. Is Hospital Disposition the only time the hospital would complete the certificate?

A. If the hospital is making final disposition, they are responsible for filing the record, as there is no funeral director. They must contact the medical examiner for approval before disposition.

When the funeral home makes final disposition, there may be some hospitals that complete part of the information for the funeral director – this will vary from hospital to hospital.

Form:

8. Q. Will funeral homes be provided with blank, pre-printed certificates from the county Vital Statistics office or will Brookins come up with a computer program? Is there software available?

A. County health departments will supply pre-printed forms to funeral homes and hospitals just as they do in the case of birth and death certificate forms. Brookins Inc., a birth record software vendor, has expressed some interest in developing a forms-generated program and we will keep everyone posted on its development if they choose to develop one.

9. Q. How do we know which form to use for what years?

A. Fetal death events for 2005 and prior go on the old/current form. Events in 2006 and forward go on the new/revised form. e.g. If you get a 2005 event in June of 2006, you use the old form.

10. Q. Will the form be printed in Spanish and other languages?

A. Florida vital record forms, birth, death and fetal death are only provided in English.

11. Q. Will the hospital provide a worksheet when the funeral home picks up the remains? Is the state office making the worksheet or will the hospital construct their own?

A. The state office is constructing a worksheet that should be available from the Chief Deputy Registrar sometime in January 2006.

Determination of Live Birth or Fetal Death:

12. Q. The mother insists her child lived, but the information provided to me by the hospital indicates the delivery was a fetal death. Who should I listen to?

A. The fact of whether a live birth or fetal death is determined by the physician. It is up to the physician to decide what criteria is used to make that determination. When there is a question, always refer back to that physician for clarification.

NOTE: If the physician determines it was less than 20 weeks gestation and there is no sign of life, **no record can be filed**; it is a non-recordable event. The family may elect to have a funeral service if they wish; that is between the family and the funeral director. In this instance, a permit would **not** be issued.

13. Q. If there was an apgar score and the fetus is less than 20 weeks gestation does the medical examiner need to approve cremation?

A. If the physician determines it was a live birth and gestation is less than 20 weeks, using apgar scores or whatever to make the determination, a birth certificate must be filed. If the child subsequently dies, a death certificate must also be filed. If final disposition is cremation, as in any live birth/death situation, the medical examiner must be notified.

Midwife:

14. Q. Does the midwife sign the fetal death certificate at all?

A. Only a physician can sign in the certifier section of the form, item 26a. The name and title of the midwife are entered in items 29b and 29c.

15. Q. If a licensed midwife can be in attendance for a live birth, then what makes a fetal death in attendance by a midwife automatically unattended and thus a medical examiner case?

A. It is not automatically a medical examiner's case. If it is a licensed midwife and there has been **no** physician in attendance within the past 30 days, then, because it is considered an "unattended" death, it must be a medical examiner case.

Remember, "...each maternal death, newborn death, and stillbirth shall be reported immediately to the medical examiner...", per s. 467.019, F.S.

Medical and Health Information:

16. Q. Who is responsible for information on the back of the record?

A. Who provides what information for the fetal death certificate has not changed; it is the same as it has always been. Statute requires the hospital, physician, or midwife to *provide* the medical and health information within 72 hours of delivery. They give the information to the funeral director in whatever format has been the custom; the funeral director completes the record with the information provided.

The medical and health information mirrors the format of the birth record, so medical records staff should be familiar with the format and have no problem providing that information to the funeral director.

17. Q. Can the medical and health information be given to the secretary in the funeral home, or must it only be provided to the funeral director?

A. Designated funeral home staff can receive the medical and health information

18. Q. Why isn't there a label (or labels) in the margin on the back of the certificate form to indicate responsibility for providing the information? Will side two have responsibility bars like on side one?

A. There will be no sidebars on the back of the record. Whoever has customarily provided the information in the past should continue to do so with the revised record.

19. Q. If the medical and health information is unknown, is it OK to enter unknown or unavailable in those items?

A. As always, items must be completed, but sometimes the information is unknown or unavailable. In those instances, either of the terms is acceptable.

ITEM RELATED:

20. Q. Item 2, Date of Delivery, is it now acceptable to use a numerical entry?

A. No. The Date of Delivery must still be entered with the name of the month spelled out. It is acceptable, however, to abbreviate the month.

21. Q. Item 4, can Birth Weight be typed in fractions or decimals?

A. No. The federally mandated format for birth weight does not include fractions or decimals. The ounces should be rounded up or down to the nearest whole number, as appropriate.

22. Q. Item 5, who has to fill out Time of Delivery?

A. If the funeral director has completed that information in the past, he/she will continue to do so, as long as the certifier is in agreement.

23. Q. Must the information be provided within 72 hours of delivery of *fetus*, or delivery of the *certificate* to the doctor?

A. The physician has 72 hours from *receipt of the fetal death certificate* to provide cause of death (s. 382.008 (3), F.S.). The physician, midwife, or hospital administrator must provide the *medical and health information* within 72 hours of "expulsion or extraction" (s. 382.008(2), F.S.) which is from delivery, not from the time the record is delivered to the physician.

24. Q. Item 10b, if the mother's Current Surname is the same as her Maiden Name in item 10a, does the name have to be repeated?

A. No. As the prompt on the record indicates, it only needs to be completed if different from the name in 10a.

25. Q. Item 11, what if the mother and father are not married is it acceptable to enter the father's information?

A. Yes. Because the delivery resulted in a fetal death, there can be no subsequent paternity action, so the father can be listed without his signature.

26. Q. Item 15, what if the mother does not know who the father is? What do you put for father's name and birthplace; would you put "unknown"?

A. If there is no father information, unobtainable, unavailable, or unknown should be entered in the father items.

27. Q. Item 23a, what is meant by Hospital Disposition?

A. When the hospital effects final disposition, e.g. the family elects not to use a funeral home, then the hospital may offer to dispose of the remains. This disposition is handled as biohazardous waste and disposed of through incineration. Because this is much like cremation in that there are no remains to exhumed, should there be a need, the hospital must notify the medical examiner and obtain approval *before* proceeding with disposition. Not many hospitals provide this option, but for those that do, the correct procedure must be followed. Only one item should be checked; do not also check "Cremation".

28. Q. With Hospital Disposition, how is Place of Disposition, item 21 completed?

A. The name of the hospital is listed in item 21; the hospital state and city should be entered into items 22a and 22b.

29. Q. Item 23b, if final disposition, 23a, is *burial*, does Cremation Approval ... have to be completed? What if it is less than 20 weeks, do you need medical examiner approval for cremation?

A. No. Item 23b applies only to Cremation, Donation, or Burial At Sea; if not one of these three, this item should be left blank. If the fetus is less than 20 weeks gestation, medical examiner approval for cremation is not required.

30. Q. Item 25a, must I include the License Number of the physician; will the record be rejected if this is left blank?

A. No, the record is acceptable if the physician's license number has been omitted.

31. Q. Item 32, Case Reported to medical examiner for Circumstances of Death, is it acceptable to leave blank?

A. No. This item must be completed in all cases.

In addition to the cause of death, there are four other circumstances listed in s. 406.11, F.S. that also must be reported to medical examiner and they are:

- Suddenly, when in apparent good health
- Unattended by a practicing physician
- In any prison or penal institution
- In police custody

If any of the above applies, the medical examiner must be notified, regardless of the cause of death and item 32 should say Yes.

32. Q. Item 35a, can cause of death be listed as undetermined?

A. Yes, undetermined or unknown can be typed or written in item 35a under Other Fetal Conditions/Disorders (*Specify*).

33. Q. Is it required that the father's name be listed if the mother is a minor? What if she refuses to provide the name?

A. There is no legal requirement to place the name of the father on the fetal death certificate, regardless of the age of the mother.

34. Q. What does WIC mean in item 40?

A. WIC (Women, Infants, and Children) is a federal program that provides nutritional assistance to mothers with children. It is usually administered through the County Health Department.

35. Q. What if there is no prenatal care, whether the mother is a minor or not, how do we obtain the medical and health information?

A. Item 42 addresses prenatal care. It states if there is no prenatal care, skip the other prenatal care questions; so these items should be left blank. All other medical and health information must be completed. Obtain as much information as possible and enter unknown or unavailable in those items where you can get no information; do not leave these items blank. Age of mother is irrelevant in this instance.

36. Q. I'm not comfortable asking the mother her last menses date. Can I simply put "unknown"?

A. No. This information should come from the mother's medical records, not from the mother herself. The funeral director should obtain this information at the same time he gets the other medical and health information from the hospital. And, remember, the hospital, physician, or midwife is charged in statute to provide this information within 72 hours of expulsion/extraction.

37. Q. Why does the form have the tobacco question but not the alcohol question?

A. The alcohol question was not on the national standard and was therefore not included on the Florida record.

38. Q. If a medical amendment is needed, what items can be amended with this form?

A. A separate form, the DH 424B, is being developed for use specifically with the fetal death certificate. The same type of items as the death certificate are covered – cause of death, time and place of delivery. This form should be available from the Chief Deputy Registrar in January 2006.

OTHER:

39. Q. Will the permit have to have the cremation authorization number for cremation?

A. Yes. The permit rules are the same for both death and fetal death certificates.

40. Q. What items appear on the certified copy; how much of the record is included?

A. All parentage items, marital status, medical and health information, and cause of death are confidential and cannot be shown on the certification – these items must be redacted/covered.

41. Q. Are erasures acceptable?

A. No. These are legal documents and all entries must be legible and clear.