



Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 95*

130th General Assembly

(As Reported by S. Medicaid, Health and Human Services)

Reps. Hill, Huffman, J. Adams, Buchy, Beck, Becker, Blair, Boose, Brown, Conditt, Derickson, Gonzales, Hood, Ruhl, Sprague, Stebelton, Terhar, Milkovich, Wachtmann, Antonio, Bishoff, Carney, R. Adams, Amstutz, Anielski, Baker, Barborak, Barnes, Blessing, Brenner, Burkley, Butler, Celebrezze, Cera, Curtin, Damschroder, DeVitis, Dovilla, Driehaus, Fedor, Foley, Green, Grossman, Hackett, C. Hagan, Hall, Hayes, Heard, Henne, Hottinger, Landis, Lynch, Mallory, McClain, O'Brien, Patmon, Patterson, Phillips, Pillich, Ramos, Reece, Retherford, Rogers, Rosenberger, Scherer, Schuring, Sears, Slaby, Smith, Stautberg, Stinziano, Sykes, Thompson, Winburn, Young, Batchelder

BILL SUMMARY

- Prohibits a certificate recognizing the delivery of a stillborn infant from including the word "stillborn" or "stillbirth" or any other words having the same or a similar meaning.
- Requires the Director of Health or the State Registrar, on receipt of a written request signed by a parent who was previously issued a certificate containing such a word to issue a new certificate.
- Provides that, when a burial permit is issued for a product of human conception of at least 20 weeks of gestation that suffers a fetal death, the local registrar must inform the parent or parents of the option to apply for a certificate that recognizes the delivery of a stillborn infant.
- Extends to certified nurse-midwives requirements regarding birth certificates that currently apply to physicians in attendance at birth.

* This analysis was prepared before the report of the Senate Medicaid, Health and Human Services Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

CONTENT AND OPERATION

Certificates recognizing the delivery of a stillborn infant

Under current law, the Director of Health or the State Registrar in the Office of Vital Statistics must issue a certificate that recognizes the delivery of a stillborn infant on receiving an application signed by either parent. No fee is charged for the certificate. The certificate is not proof of a live birth for purposes of federal, state, and local taxes. The bill prohibits the certificate from containing the word "stillborn" or "stillbirth" or any other words having the same or a similar meaning.

Beginning in August 2012, at the request of parents of stillborn infants, the Department of Health changed the format of the certificates it issues under current law. The heading on the certificates previously stated "Certification of Stillbirth" but now states "Certification of Birth."¹ There is no longer any indication of stillbirth on the certificates.

Reissuance of certificates previously issued

The bill requires the Director or the State Registrar, on receipt of a written request signed by a parent who was previously issued a certificate recognizing the delivery of a stillborn infant that includes a word the bill prohibits, to issue a certificate that does not include such a word.²

Notification of option to apply for a certificate that recognizes the delivery of a stillborn infant

Under the bill, when a burial permit is issued for a product of human conception of at least 20 weeks of gestation that suffers a fetal death, the local registrar must inform the parent or parents listed on the fetal death certificate or provisional death certificate of the option to apply for a certificate that recognizes the delivery of a stillborn infant.³

¹ Ohio Department of Health, "Revised Certification of Stillbirth Format" and "Certification of Stillbirth 2012 with Cover Letter" (last visited February 12, 2014), available at <http://vitalsupport.odh.ohio.gov/GD/Templates/Pages/ODH/ODHDetail.aspx?page=3&TopicRelationID=482&Content=5438> and <<http://vitalsupport.odh.ohio.gov/GD/Templates/Pages/ODH/ODHDetail.aspx?page=2&TopicRelationID=548>>.

² R.C. 3705.23(B)(3)(b).

³ R.C. 3705.20(D).



Duties of certified nurse-midwives in attendance at birth

When a child is born in or en route to an institution (such as a hospital), current law requires the institution to prepare and file the birth certificate. The physician in attendance at the birth must (within 72 hours) provide the medical information required by the birth certificate and certify to the facts of the birth.

The bill extends the requirements that apply to physicians to certified nurse-midwives.⁴ If the birth occurs outside an institution, a physician in attendance at or immediately after the birth must prepare and file the birth certificate. The bill extends that requirement to certified nurse-midwives.⁵

HISTORY

ACTION	DATE
Introduced	03-06-13
Reported, H. Health and Aging	04-17-13
Passed House (95-0)	04-24-13
Reported, S. Medicaid, Health & Human Services	---

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⁴ R.C. 3701.46, 3705.01, 3705.09(B), and 3705.15.

⁵ R.C. 3705.09(C).

