

# Changes to Oklahoma State Law for Reporting Stillbirth/Fetal Deaths

## Recommendations from Oklahoma Vital Records



Effective November 1, 2015 all fetal deaths (aka stillbirths) that occur in Oklahoma at 12+ weeks gestation are required to be reported to the Oklahoma State Department of Health (OSDH). Historically, the law has required the reporting of all fetal deaths which occurred at 20 or more weeks gestation. However, the definition of fetal death was amended during the 2015 legislative session.

### Definition of Fetal Death aka Stillbirth

#### 63 OS § 1-301

6. "Stillbirth" or "stillborn child" means a fetal death;

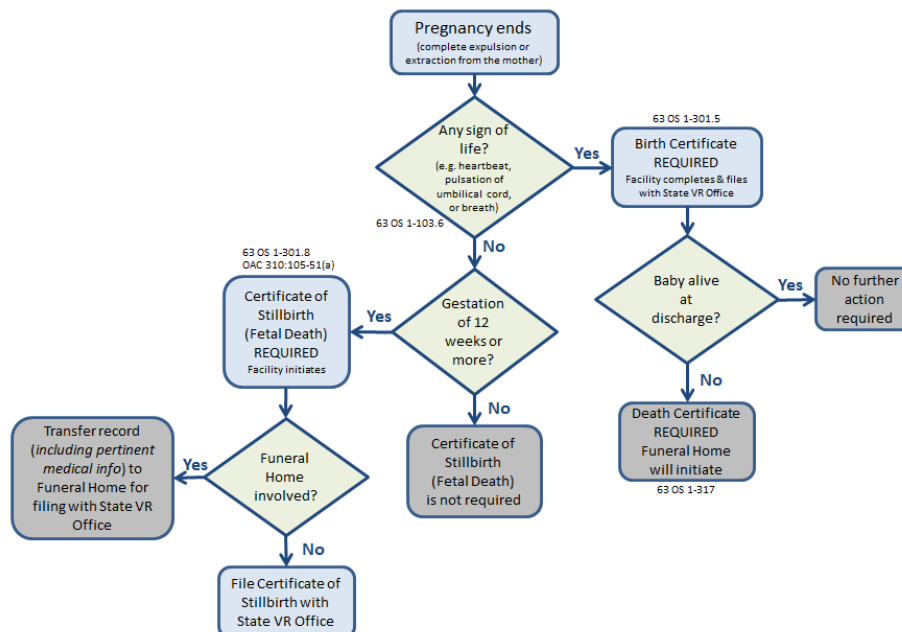
8. "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception after the fetus has advanced to or beyond the twelfth week of uterogestation. The death is indicated by the fact that, after such expulsion or extraction, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles;

A **fetal death occurs when there is no sign of life** at the time the fetus is delivered. In this case, if the fetus is at least 12 weeks gestation, then a fetal death/stillbirth certificate **MUST** be filed.

If there is any sign of life (even one heartbeat, one breath, or other sign of life), then a Live Birth Certificate **MUST** be filed. The gestational age or length of life does not matter.

If the infant dies prior to discharge (regardless of whether it occurs seconds, hours, days or weeks after the live birth), then a Death Certificate **MUST** also be filed.

Most of the time it is easy to determine which vital record should be filed; however, in the event of a stillbirth or infant death, questions may arise. Below is a flowchart that has been developed to assist in determining which record is required by law and who is responsible for the filing. Should questions ever arise on how to properly complete or file a vital record; or which record should be filed please contact the Oklahoma State Department of Health, Office of Vital Records, ([AskVR@health.ok.gov](mailto:AskVR@health.ok.gov) or 405-271-4040).



**Stillbirths may be reported for earlier gestations.** While the hospital is not legally required to do so, they may be submitted to Oklahoma Vital records as a courtesy to the families. Some parents do request copies to acknowledge the child as a part of their grieving process. Oklahoma VR will issue certified copies of these records to the parents of record upon request, if it has been placed on file. If it has not, Oklahoma VR will contact the hospital and make the request on behalf of the parents. Oklahoma VR also has Memorial Certificates of Birth Resulting in Stillbirth that are available to parents when a stillbirth record has been filed.



For parents who request information on obtaining either a certified copy of the stillbirth certificate or the Memorial Certificate, please direct them to the Vital Records website <http://vr.health.ok.gov>. There is a link on the left for Fetal Death/Stillbirth Certificates which contains links to the current application, fees, etc. Upon request, Vital Records can also provide hospitals blank applications to keep on hand.

### Filing a Stillbirth Certificate

#### 63 § 1-318. Fetal Death Certificate - Filing - Contents

(a) A fetal death certificate for each fetal death which occurs in this state shall be filed with the State Registrar, within three (3) days after such delivery.

(b) The funeral director or person acting as such who first assumes custody of a fetus shall file the fetal death certificate. In the absence of such a person, the physician or other person in attendance at or after the delivery shall file the certificate of fetal death. He shall obtain the personal data from the next of kin or the best qualified person or source available. He shall complete the certificate as to personal data and deliver the certificate to that person responsible for completing the medical certification of cause of death within twenty-four (24) hours after delivery.

(c) The medical certification shall be completed and signed within forty-eight (48) hours after delivery by the physician in attendance at or after delivery, except when inquiry into the cause of death is required by Section 938 of this title.

#### ***The entity who assumes custody of the fetus is responsible for filing the fetal death certificate within three (3) days.***

Depending on the situation, this may be the hospital, funeral home, or the family. Whoever assumes the role of funeral director is required by law to file the death certificate with the Oklahoma Vital Records Division.

In the case where a hospital would release the body to the family, the Oklahoma Vital Records Division (VR) recommends that the hospital offer to file the certificate for the family. This is not required by law; however the hospital already has the required information, ready access to certifier for signature, and a process in place for filing the record; so it can be done quickly and without significant disruption of business. If the hospital chooses not to file the certificate, then Oklahoma Vital Records asks that the hospital inform the family of their legal responsibility. If no notification is provided to the family, it is unlikely a record will ever be filed. Oklahoma VR is unlikely to be aware of the event or have the information necessary to contact the family. This will lead to incomplete counts of events and the family will regrettably be in violation of state law. If the family does file the record, then the family will be required to contact the hospital to obtain the medical information and signatures necessary for filing the certificate. Responding to these questions after the fact is likely to take more time on the part of the hospital staff, than if the hospital had initially filed the record.

### Completing the Record in Full

***Each component of the fetal death (stillbirth) record is required to be completed fully.*** These forms undergo a rigorous review and all of the information collected on them is considered essential. No new question is added without extensive consideration for what can be gained and the resources required to collect such information. The conclusions and decisions made from these data can be no more accurate than the information provided at the time of filing the record. Therefore, it is essential that everyone involved with the registration of events strive for complete, accurate, and prompt reporting.

## Name

When parents choose not to name the fetus, Baby Boy or Baby Girl may be used as First Name (whichever is appropriate). The mother's surname or family surname should be entered as Last Name

## Sex

If sex cannot be determined due to short gestation, enter "Unknown". Do not leave this item blank.

## Disposition

Disposition is a field on the stillbirth certificate which indicates the final disposition of the body. Options include Burial, Cremation, Hospital Disposition, Donation, Removal from State, and Other.

9. METHOD OF DISPOSITION: <input type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Hospital Disposition <input type="checkbox"/> Donation <input type="checkbox"/> Removal from State <input type="checkbox"/> Other _____
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If the hospital assumes custody of the body, the hospital will assume the role of funeral director. In some situations, a hospital may directly dispose of the remains wherein the disposition would be "Hospital Disposition". If instead the hospital makes arrangements for burial or cremation, the applicable option should be selected.

If a funeral home takes the body, the funeral director becomes responsible for the filing of the certificate and will indicate the disposition.

If the hospital releases the body to the family, but offers to file the record for them, then Oklahoma VR recommends selecting "Other" and noting e.g. body was released to the family for burial. Then the release of the body is documented, as well as the hospital's understanding as to the final disposition. That is sufficient for Oklahoma VR.

## Other Items

General Instructions for completing a stillbirth certificate are available online at

[http://www.ok.gov/health/Birth\\_and\\_Death\\_Certificates/ROVER/Stillbirth\\_Registration\\_Training/index.html](http://www.ok.gov/health/Birth_and_Death_Certificates/ROVER/Stillbirth_Registration_Training/index.html).

## Hospital Delivery Logs

The practice of entering stillbirths into delivery logs is not established by or regulated by Vital Records. Any questions related to delivery logs should be referred to hospital leadership to assure practice is consistent with hospital policy.

## Vital Statistics

The information found on birth, death and fetal death records is used to study the risk factors and conditions that may have led to an early death or adverse pregnancy outcome (stillbirth, infant death, congenital anomaly, etc.). These data are essential in planning and evaluating programs and services, identifying populations at risk, and assessing the health of communities, the State and the Nation.

Reports of stillbirths prior to 12 weeks are not included in the official state statistics. The new law does expand the reporting requirement beyond what is officially reported nationally for comparison purposes. Oklahoma will collect the information as required, but will report the data in a manner that allows for the comparison of state outcomes to the nation, other states, and for temporal trends.

### Contact Information:

#### Oklahoma Vital Records Division

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# Vital Records Decision Tree

