

HOUSE BILL No. 2732

By Committee on Veterans and Military

Requested by Mike Kelly on behalf of Representative Johnson

2-5

1 AN ACT concerning veterans and military; relating to death certificates;
2 directing the state registrar of vital statistics to provide death
3 certificates to survivors of deceased veterans with a service-connected
4 disability or presumptive illness that state the relationship between the
5 cause of death and any service-connected disability or presumptive
6 illness of such veterans.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. (a) As used in this section:

10 (1) "Cause of death certifier" means the same as defined in K.S.A.
11 65-2401, and amendments thereto.

12 (2) "Presumptive illness" means an adverse health condition
13 determined by the United States department of veterans affairs to be
14 connected to a veteran's duties while serving in the military.

15 (3) "Service-connected disability" means the same as defined in
16 K.S.A. 73-1244, and amendments thereto.

17 (4) "Veteran with a service-connected disability" means a veteran
18 with a disability that was incurred or aggravated in the line of duty in the
19 active military, naval, air or space service.

20 (b) The state registrar of vital statistics shall create and maintain a
21 roster of veterans with a service-connected disability who reside in Kansas
22 as a part of the statewide system of vital statistics.

23 (1) The roster shall be used to assist cause of death certifiers to
24 prepare death certificates. Such roster shall be confidential and privileged
25 and shall not be subject to disclosure under the Kansas open records act,
26 K.S.A. 45-215, et seq., and amendments thereto. The provisions of this
27 paragraph shall expire on July 1, 2031, unless the legislature reviews and
28 reenacts this provision pursuant to K.S.A. 45-229, and amendments
29 thereto, prior to July 1, 2031.

30 (2) Reference to the roster shall be available to a service-connected
31 veteran or a next of kin of a veteran with a service-connected disability to
32 confirm the listing of such veteran. If a veteran with a service-connected
33 disability is absent from the roster, the registrar of vital statistics shall add
34 such veteran to the roster.

35 (3) The legislative division of post audit, at the direction of the

1 legislative post audit committee, shall be granted access to the roster of
2 veterans with a service-connected disability who reside in Kansas,
3 supporting data acquisition and validation methods for authorized
4 oversight audits. No audit work product, verbal testimony or final audit
5 report shall disclose personally identifying information of a veteran.

6 (c) A cause of death certifier shall confirm the service-connected
7 status of a decedent by consulting the roster of service-connected veterans
8 established in subsection (b).

9 (1) If such decedent was a service-connected veteran, then the cause
10 of death certifier shall confirm if the primary cause of death or that a
11 contributing cause of death is related to any morbidity or comorbidity
12 stemming from the decedent's service-connected disability.

13 (2) The cause of death certifier shall use a preponderance of the
14 evidence to determine that a primary or contributory cause of death is
15 related to the decedent's service-connected morbidities or comorbidities
16 documented in such decedent's disability claim decision determination
17 letter.

18 (3) In addition to medical records and law enforcement incident
19 reports that refer to the final circumstances of the decedent, cause of death
20 certifiers may consult:

21 (A) The United States department of veterans affairs medical
22 treatment records, benefits summary statement or claims decision letter;

23 (B) the uniformed service physical evaluation board decision
24 document provided under 10 U.S.C. § 1222(a); or

25 (C) a purple heart decoration narrative citation, a military posthumous
26 award narrative citation, military orders or official casualty notification
27 correspondence from the United States department of defense.

28 (4) If the cause of death certifier determines that the cause of death is
29 related to the veteran's service-connected disability determination, such
30 cause of death certifier shall state such determination on the decedent's
31 death certificate.

32 (d) If a veteran with a service-connected disability who resides in
33 Kansas dies while temporarily in another jurisdiction, a Kansas cause of
34 death certifier in the decedent's county of residence shall prepare a
35 supplemental death certificate stating any connections between the
36 decedent's cause of death and their service-connected disability.

37 (e) If a veteran dies before the United States department of veterans
38 affairs completes an evaluation of a decedent's claim, a Kansas cause of
39 death certifier shall consider whether the cause of death was related to any
40 presumptive illness claim to a service-connected condition and list such
41 condition on the decedent's death certificate.

42 (f) If a veteran never filed a disability claim, but served in a
43 geographical region and epoch identified with presumptive illnesses

1 published in the federal register, a Kansas cause of death certifier shall
2 consider whether the cause of death was related to any presumptive illness
3 to a service-connected condition and list such condition on the decedent's
4 death certificate.

5 (g) The Kansas office of veterans services shall establish and update
6 as necessary a list of all presumptive illnesses approved by the United
7 States department of veterans affairs and published in the federal register.
8 Such list shall include any duty-related date of service epoch or
9 geographical limits related to the published presumption.

10 (h) Two certified copies of the death certificate prepared pursuant to
11 subsection (b) shall be provided to the next of kin of the veteran with a
12 service-connected disability decedent without charge. Additional copies of
13 such death certificate shall be subject to fees set by the secretary of the
14 Kansas department of health and environment.

15 Sec. 2. This act shall take effect and be in force from and after its
16 publication in the statute book.