

SECOND REGULAR SESSION

# HOUSE BILL NO. 2548

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE VAN SCHOIACK.

5128H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 193.145, RSMo, and to enact in lieu thereof one new section relating to completion of death certificates, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 193.145, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 193.145, to read as follows:

193.145. 1. A certificate of death for each death which occurs in this state shall be filed with the local registrar, or as otherwise directed by the state registrar, within five days after death and shall be registered if such certificate has been completed and filed pursuant to this section. All data providers in the death registration process, including, but not limited to, the state registrar, local registrars, the state medical examiner, county medical examiners, coroners, funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident physicians, physician assistants, assistant physicians, advanced practice registered nurses, and the chief medical officers of licensed health care facilities, and other public or private institutions providing medical care, treatment, or confinement to persons, shall be required to use and utilize any electronic death registration system required and adopted under subsection 1 of section 193.265 within six months of the system being certified by the director of the department of health and senior services, or the director's designee, to be operational and available to all data providers in the death registration process. However, should the person or entity that certifies the cause of death not be part of, or does not use, the electronic death registration system, the funeral director or person acting as such may enter the required personal data into the electronic death registration system and then complete the filing by presenting the signed cause of death certification to the local registrar,

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 in which case the local registrar shall issue death certificates as set out in subsection 2 of  
19 section 193.265. Nothing in this section shall prevent the state registrar from adopting pilot  
20 programs or voluntary electronic death registration programs until such time as the system  
21 can be certified; however, no such pilot or voluntary electronic death registration program  
22 shall prevent the filing of a death certificate with the local registrar or the ability to obtain  
23 certified copies of death certificates under subsection 2 of section 193.265 until six months  
24 after such certification that the system is operational.

25         2. If the place of death is unknown but the dead body is found in this state, the  
26 certificate of death shall be completed and filed pursuant to the provisions of this section.  
27 The place where the body is found shall be shown as the place of death. The date of death  
28 shall be the date on which the remains were found.

29         3. When death occurs in a moving conveyance in the United States and the body is  
30 first removed from the conveyance in this state, the death shall be registered in this state and  
31 the place where the body is first removed shall be considered the place of death. When a  
32 death occurs on a moving conveyance while in international waters or air space or in a foreign  
33 country or its air space and the body is first removed from the conveyance in this state, the  
34 death shall be registered in this state but the certificate shall show the actual place of death if  
35 such place may be determined.

36         4. The funeral director or person in charge of final disposition of the dead body shall  
37 file the certificate of death. The funeral director or person in charge of the final disposition of  
38 the dead body shall obtain or verify and enter into the electronic death registration system:

39             (1) The personal data from the next of kin or the best qualified person or source  
40 available;

41             (2) The medical certification from the person responsible for such certification if  
42 designated to do so under subsection 5 of this section; and

43             (3) Any other information or data that may be required to be placed on a death  
44 certificate or entered into the electronic death certificate system including, but not limited to,  
45 the name and license number of the embalmer.

46         5. The medical certification shall be completed, attested to its accuracy either by  
47 signature or an electronic process approved by the department, and returned to the funeral  
48 director or person in charge of final disposition within seventy-two hours after death by the  
49 physician, physician assistant, assistant physician, or advanced practice registered nurse in  
50 charge of the patient's care for the illness or condition which resulted in death. In the absence  
51 of the physician, physician assistant, assistant physician, advanced practice registered nurse  
52 or with the physician's, physician assistant's, assistant physician's, or advanced practice  
53 registered nurse's approval the certificate may be completed and attested to its accuracy either  
54 by signature or an approved electronic process by the physician's associate physician, the

55 chief medical officer of the institution in which death occurred, or the physician who  
56 performed an autopsy upon the decedent, provided such individual has access to the medical  
57 history of the case, views the deceased at or after death and death is due to natural causes.  
58 The person authorized to complete the medical certification may, in writing, designate any  
59 other person to enter the medical certification information into the electronic death  
60 registration system if the person authorized to complete the medical certificate has physically  
61 or by electronic process signed a statement stating the cause of death. ~~[Any persons~~  
62 ~~completing the medical certification or entering data into the electronic death registration~~  
63 ~~system shall be immune from civil liability for such certification completion, data entry, or~~  
64 ~~determination of the cause of death, absent gross negligence or willful misconduct.]~~ The state  
65 registrar may approve alternate methods of obtaining and processing the medical certification  
66 and filing the death certificate. The Social Security number of any individual who has died  
67 shall be placed in the records relating to the death and recorded on the death certificate.

68 **6. If the physician, physician assistant, assistant physician, or advanced practice**  
69 **registered nurse in charge of the patient's care for the illness or condition which resulted**  
70 **in death does not complete, attest to the accuracy of, and return the medical certification**  
71 **to the funeral director or person in charge of final disposition within seventy-two hours,**  
72 **he or she shall be liable for a two thousand dollar fine per twenty-four hour or partial**  
73 **twenty-four hour delay, payable to the estate of the deceased. The provisions of this**  
74 **subsection shall not apply to a person responsible for completing a medical certification**  
75 **in the absence of a physician, physician assistant, assistant physician, or advanced**  
76 **practice registered nurse.**

77 ~~[6-]~~ 7. When death occurs from natural causes more than thirty-six hours after the  
78 decedent was last treated by a physician, physician assistant, assistant physician, **or** advanced  
79 practice registered nurse, the case shall be referred to the county medical examiner or coroner  
80 or physician or local registrar for investigation to determine and certify the cause of death. If  
81 the death is determined to be of a natural cause, the medical examiner or coroner or local  
82 registrar shall refer the certificate of death to the attending physician, physician assistant,  
83 assistant physician, advanced practice registered nurse for such certification. If the attending  
84 physician, physician assistant, assistant physician, advanced practice registered nurse refuses  
85 or is otherwise unavailable, the medical examiner or coroner or local registrar shall attest to  
86 the accuracy of the certificate of death either by signature or an approved electronic process  
87 within thirty-six hours.

88 ~~[7-]~~ 8. If the circumstances suggest that the death was caused by other than natural  
89 causes, the medical examiner or coroner shall determine the cause of death and shall, either  
90 by signature or an approved electronic process, complete and attest to the accuracy of the  
91 medical certification within seventy-two hours after taking charge of the case.

92           ~~[8-]~~ **9.** If the cause of death cannot be determined within seventy-two hours after  
93 death, the attending medical examiner, coroner, attending physician, physician assistant,  
94 assistant physician, advanced practice registered nurse, or local registrar shall give the funeral  
95 director, or person in charge of final disposition of the dead body, notice of the reason for the  
96 delay, and final disposition of the body shall not be made until authorized by the medical  
97 examiner, coroner, attending physician, physician assistant, assistant physician, advanced  
98 practice registered nurse, or local registrar.

99           ~~[9-]~~ **10.** When a death is presumed to have occurred within this state but the body  
100 cannot be located, a death certificate may be prepared by the state registrar upon receipt of an  
101 order of a court of competent jurisdiction which shall include the finding of facts required to  
102 complete the death certificate. Such a death certificate shall be marked "Presumptive", show  
103 on its face the date of registration, and identify the court and the date of decree.

104           ~~[10-]~~ **11.** (1) The department of health and senior services shall notify all physicians,  
105 physician assistants, assistant physicians, and advanced practice registered nurses licensed  
106 under chapters 334 and 335 of the requirements regarding the use of the electronic vital  
107 records system provided for in this section.

108           (2) On or before August 30, 2015, the department of health and senior services,  
109 division of community and public health shall create a working group comprised of  
110 representation from the Missouri electronic vital records system users and recipients of death  
111 certificates used for professional purposes to evaluate the Missouri electronic vital records  
112 system, develop recommendations to improve the efficiency and usability of the system, and  
113 to report such findings and recommendations to the general assembly no later than January 1,  
114 2016.

115           ~~[11-]~~ **12.** Notwithstanding any provision of law to the contrary, if a coroner or deputy  
116 coroner is not current with or is without the approved training under chapter 58, the  
117 department of health and senior services shall prohibit such coroner from attesting to the  
118 accuracy of a certificate of death. No person elected or appointed to the office of coroner can  
119 assume such elected office until the training, as established by the coroner standards and  
120 training commission under the provisions of section 58.035, has been completed and a  
121 certificate of completion has been issued. In the event a coroner cannot fulfill his or her  
122 duties or is no longer qualified to attest to the accuracy of a death certificate, the sheriff of the  
123 county shall appoint a medical professional to attest death certificates until such time as the  
124 coroner can resume his or her duties or another coroner is appointed or elected to the office.

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