

FIRST REGULAR SESSION

# HOUSE BILL NO. 1113

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FRAKER.

2321H.021

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 193.015 and 193.145, RSMo, and to enact in lieu thereof two new sections relating to death certificates.

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

Section A. Sections 193.015 and 193.145, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 193.015 and 193.145, to read as follows:

193.015. As used in sections 193.005 to 193.325, unless the context clearly indicates otherwise, the following terms shall mean:

(1) **“Advanced practice registered nurse”, a person licensed to practice as an advanced practice registered nurse under chapter 335;**

(2) **“Assistant physician”, as such term is defined in section 334.036;**

(3) "Dead body", a human body or such parts of such human body from the condition of which it reasonably may be concluded that death recently occurred;

[(2)] (4) "Department", the department of health and senior services;

[(3)] (5) "Final disposition", the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or fetus;

[(4)] (6) "Institution", any establishment, public or private, which provides inpatient or outpatient medical, surgical, or diagnostic care or treatment or nursing, custodian, or domiciliary care, or to which persons are committed by law;

[(5)] (7) "Live birth", the complete expulsion or extraction from its mother of a child, irrespective of the duration of pregnancy, which after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or

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.

17 definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the  
18 placenta is attached;

19 [(6)] (8) "Physician", a person authorized or licensed to practice medicine or osteopathy  
20 pursuant to chapter 334;

21 [(7)] (9) **"Physician assistant", a person licensed to practice as a physician assistant**  
22 **under chapter 334;**

23 (10) "Spontaneous fetal death", a noninduced death prior to the complete expulsion or  
24 extraction from its mother of a fetus, irrespective of the duration of pregnancy; the death is  
25 indicated by the fact that after such expulsion or extraction the fetus does not breathe or show  
26 any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite  
27 movement of voluntary muscles;

28 [(8)] (11) "State registrar", state registrar of vital statistics of the state of Missouri;

29 [(9)] (12) "System of vital statistics", the registration, collection, preservation,  
30 amendment and certification of vital records; the collection of other reports required by sections  
31 193.005 to 193.325 and section 194.060; and activities related thereto including the tabulation,  
32 analysis and publication of vital statistics;

33 [(10)] (13) "Vital records", certificates or reports of birth, death, marriage, dissolution  
34 of marriage and data related thereto;

35 [(11)] (14) "Vital statistics", the data derived from certificates and reports of birth, death,  
36 spontaneous fetal death, marriage, dissolution of marriage and related reports.

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

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

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

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

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

38         (1) The personal data from the next of kin or the best qualified person or source  
39 available; [and]

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

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

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

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

68         6. When death occurs from natural causes more than thirty-six hours after the decedent  
69 was last treated by a physician, **physician assistant, assistant physician, or advanced practice**  
70 **registered nurse**, the case shall be referred to the county medical examiner or coroner or  
71 physician or local registrar for investigation to determine and certify the cause of death. If the  
72 death is determined to be of a natural cause, the medical examiner or coroner or local registrar  
73 shall refer the certificate of death to the attending physician, **physician assistant, assistant**  
74 **physician, or advanced practice registered nurse** for such [physician's] certification. If the  
75 attending physician, **physician assistant, assistant physician, or advanced practice registered**  
76 **nurse** refuses or is otherwise unavailable, the medical examiner or coroner or local registrar shall  
77 attest to the accuracy of the certificate of death either by signature or an approved electronic  
78 process within thirty-six hours.

79         7. If the circumstances suggest that the death was caused by other than natural causes,  
80 the medical examiner or coroner shall determine the cause of death and shall complete and attest  
81 to the accuracy either by signature or an approved electronic process the medical certification  
82 within seventy-two hours after taking charge of the case.

83         8. If the cause of death cannot be determined within seventy-two hours after death, the  
84 attending medical examiner or coroner [or] , attending physician [or] , **physician assistant,**  
85 **assistant physician, advanced practice registered nurse, or** local registrar shall give the  
86 funeral director, or person in charge of final disposition of the dead body, notice of the reason  
87 for the delay, and final disposition of the body shall not be made until authorized by the medical

88 examiner or coroner, attending physician, **physician assistant, assistant physician, advanced**  
89 **practice registered nurse**, or local registrar.

90           9. When a death is presumed to have occurred within this state but the body cannot be  
91 located, a death certificate may be prepared by the state registrar upon receipt of an order of a  
92 court of competent jurisdiction which shall include the finding of facts required to complete the  
93 death certificate. Such a death certificate shall be marked "Presumptive", show on its face the  
94 date of registration, and identify the court and the date of decree.

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