

FIRST REGULAR SESSION

HOUSE BILL NO. 34

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POLLOCK (123).

0122H.031

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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Section A. Section 193.145, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 193.145, to read as follows: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, in which case the local registrar shall issue death certificates

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 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;

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 certificate
43 or entered into the electronic death certificate system including, but not limited to, the name and
44 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 in charge
49 of the patient's care for the illness or condition which resulted in death. In the absence of the
50 physician, physician assistant, assistant physician, **or** advanced practice registered nurse or with
51 the physician's, physician assistant's, assistant physician's, or advanced practice registered nurse's
52 approval the certificate may be completed and attested to its accuracy either by signature or an
53 approved electronic process by the physician's associate physician, the chief medical officer of

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

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

78 **7. For any case referred to the county medical examiner, coroner, physician, or**
79 **local registrar under subsection 6 of this section to determine and certify the cause of death**
80 **of any child under four years of age, the certificate of death form shall include a request**
81 **for information regarding the date and type of the decedent's last immunization. The**
82 **attending physician, physician assistant, assistant physician, or advanced practice**
83 **registered nurse shall provide the immunization information described in this subsection.**
84 **If the decedent received more than one immunization on the date of the last immunization,**
85 **the information provided shall include all types of immunizations received. The**
86 **immunization information described in this subsection shall appear on the certificate of**
87 **death.**

88 **8.** If the circumstances suggest that the death was caused by other than natural causes,
89 the medical examiner or coroner shall determine the cause of death and shall, either by signature

90 or an approved electronic process, complete and attest to the accuracy of the medical certification
91 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 death,
93 the attending medical examiner, coroner, attending physician, physician assistant, assistant
94 physician, advanced practice registered nurse, or local registrar shall give the funeral director,
95 or person in charge of final disposition of the dead body, notice of the reason for the delay, and
96 final disposition of the body shall not be made until authorized by the medical examiner, coroner,
97 attending physician, physician assistant, assistant physician, advanced practice registered nurse,
98 or local registrar.

99 ~~[9-]~~ **10.** When a death is presumed to have occurred within this state but the body cannot
100 be located, a death certificate may be prepared by the state registrar upon receipt of an order of
101 a court of competent jurisdiction which shall include the finding of facts required to complete
102 the death certificate. Such a death certificate shall be marked "Presumptive", show on its face
103 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 under
106 chapters 334 and 335 of the requirements regarding the use of the electronic vital records system
107 provided for in this section.

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

114 ~~[11-]~~ **12.** Notwithstanding any provision of law to the contrary, if a coroner or deputy
115 coroner is not current with or is without the approved training under chapter 58, the department
116 of health and senior services shall prohibit such coroner from attesting to the accuracy of a
117 certificate of death. No person elected or appointed to the office of coroner can assume such
118 elected office until the training, as established by the coroner standards and training commission
119 under the provisions of section 58.035, has been completed and a certificate of completion has
120 been issued. In the event a coroner cannot fulfill his or her duties or is no longer qualified to
121 attest to the accuracy of a death certificate, the sheriff of the county shall appoint a medical
122 professional to attest death certificates until such time as the coroner can resume his or her duties
123 or another coroner is appointed or elected to the office.

✓