

SECOND REGULAR SESSION

HOUSE BILL NO. 2074

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WHITE (Sponsor), COX, WILSON, SCHIEBER, BROWN, BERRY, HANSEN, DAVIS, JONES (110), SOMMER, ELMER, MCCAHERTY, BARNES, FREDERICK, ZERR, TORPEY, HOSKINS, SHUMAKE, CROSS, SHULL AND BURLISON (Co-sponsors).

5962H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 193.145, RSMo, and to enact in lieu thereof one new section relating to an electronic death registration system.

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Section A. Section 193.145, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 193.145, to read as follows: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 **business** 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, 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] **the** electronic death registration system required and adopted under [subsection 1 of section 193.265] **this section** 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

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.

16 by presenting the signed cause of death certification to the local registrar, in which case the local
17 registrar shall issue death certificates as set out in subsection 2 of section 193.265.] **By**
18 **September 1, 2015, the department of health and senior services shall develop an electronic**
19 **death registration system. The electronic death registration system shall utilize a secure**
20 **login for data providers, but shall not require data providers to change their authentication**
21 **data including, but not limited to their user identification or password more than once**
22 **annually and shall provide a secure mechanism for data providers to regain access to the**
23 **system via a “forgot password” function in the event such providers are unable to recall**
24 **their authentication data.** Nothing in this section shall prevent the state registrar from adopting
25 pilot programs or voluntary electronic death registration programs until such time as the system
26 can be certified; however, no such pilot or voluntary electronic death registration program shall
27 prevent the filing of a death certificate with the local registrar or the ability to obtain certified
28 copies of death certificates under subsection 2 of section 193.265 until six months after such
29 certification that the system is operational.

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

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

41 4. The funeral director or person in charge of final disposition of the dead body shall file
42 the certificate of death. The funeral director or person in charge of the final disposition of the
43 dead body shall obtain or verify:

44 (1) The personal data from the next of kin or the best qualified person or source
45 available; and

46 (2) The medical certification from the person responsible for such certification.

47 5. **The funeral director shall enter the personal data under subdivision (1) of**
48 **subsection 4 of this section into the electronic death registration system within one business**
49 **day of receipt of the information. Upon entry and completion of the personal data in the**
50 **electronic death registration system, the system shall automatically notify the physician in**
51 **charge of the patient’s care for the illness or condition which resulted in death using an**

52 **electronic notification as determined by the department.** The medical certification shall be
53 completed, attested to its accuracy [either by signature or] **by** an electronic process approved by
54 the department, and returned to the funeral director or person in charge of final disposition within
55 [seventy-two hours after death] **three business days of the electronic notification** by the
56 physician in charge of the patient's care for the illness or condition which resulted in death. **If**
57 **the physician is unable to complete the medical certification due to exigent circumstances**
58 **including an immediate or long-term absence or illness, the physician shall complete the**
59 **medical certification as soon as practicable, or** in the absence of the physician or with the
60 physician's approval the certificate may be completed and attested to its accuracy [either by
61 signature or an] **by the** approved electronic process by the physician's associate physician, the
62 chief medical officer of the institution in which death occurred, **an individual to whom the**
63 **physician has delegated authority to complete the certificate,** or the physician who performed
64 an autopsy upon the decedent, provided such individual has access to the medical history of the
65 case, views the deceased at or after death and death is due to natural causes. [The state registrar
66 may approve alternate methods of obtaining and processing the medical certification and filing
67 the death certificate.] The Social Security number of any individual who has died shall be placed
68 in the records relating to the death and recorded on the death certificate.

69 6. **Any physician, nurse practitioner, physician assistant, or other medical**
70 **professional who in good faith completes a medical certification of death or determines the**
71 **cause of death shall be immune from civil liability only for such certificate completion or**
72 **determination of cause of death, absent gross negligence or willful misconduct.**

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

81 [7.] 8. If the circumstances suggest that the death was caused by other than natural
82 causes, the medical examiner or coroner shall determine the cause of death and shall complete
83 and attest to the accuracy [either by signature or an] **by the** approved electronic process the
84 medical certification within seventy-two hours after taking charge of the case.

85 [8.] 9. If the cause of death cannot be determined within seventy-two hours after death,
86 the attending medical examiner or coroner or attending physician or local registrar shall give the
87 funeral director, or person in charge of final disposition of the dead body, notice of the reason

88 for the delay, and final disposition of the body shall not be made until authorized by the medical
89 examiner or coroner, attending physician or local registrar. **If determination of the cause of**
90 **death is prolonged because further testing is necessary or other exigent circumstances, the**
91 **certificate of death shall be completed within six months after death.**

92 [9.] **10.** When a death is presumed to have occurred within this state but the body cannot
93 be located, a death certificate may be prepared by the state registrar upon receipt of an order of
94 a court of competent jurisdiction which shall include the finding of facts required to complete
95 the death certificate. Such a death certificate shall be marked "Presumptive", show on its face
96 the date of registration, and identify the court and the date of decree.

97 **11. If a certificate of death is not filed with the local registrar or state registrar**
98 **within five business days after death, the state registrar shall upon request issue a**
99 **provisional certificate of death. Upon filing of the certificate of death with the local**
100 **registrar or state registrar, the state registrar shall issue a certificate of death. After the**
101 **certificate of death has been completed, any person who has obtained a provisional**
102 **certificate of death may obtain a copy of the completed certificate of death at no charge.**

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