

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 348, 285 & 407, Page 1, Section A, Line
2 5, by inserting after all of said section and line the following:
3

4 "193.145. 1. A certificate of death for each death which occurs in this state shall be filed
5 with the local registrar, or as otherwise directed by the state registrar, within five days after death
6 and shall be registered if such certificate has been completed and filed pursuant to this section. All
7 data providers in the death registration process, including, but not limited to, the state registrar, local
8 registrars, the state medical examiner, county medical examiners, coroners, funeral directors or
9 persons acting as such, embalmers, sheriffs, attending physicians and resident physicians, physician
10 assistants, assistant physicians, advanced practice registered nurses, and the chief medical officers of
11 licensed health care facilities, and other public or private institutions providing medical care,
12 treatment, or confinement to persons, shall be required to use and utilize any electronic death
13 registration system required and adopted under subsection 1 of section 193.265 within six months of
14 the system being certified by the director of the department of health and senior services, or the
15 director's designee, to be operational and available to all data providers in the death registration
16 process. [~~However, should the person or entity that certifies the cause of death not be part of, or
17 does not use, the electronic death registration system, the funeral director or person acting as such
18 may enter the required personal data into the electronic death registration system and then complete
19 the filing by presenting the signed cause of death certification to the local registrar, in which case
20 the local registrar shall issue death certificates as set out in subsection 2 of section 193.265.~~
21 Nothing in this section shall prevent the state registrar from adopting pilot programs or voluntary
22 electronic death registration programs until such time as the system can be certified; however, no
23 such pilot or voluntary electronic death registration program shall prevent the filing of a death
24 certificate with the local registrar or the ability to obtain certified copies of death certificates under
25 subsection 2 of section 193.265 until six months after such certification that the system is
26 operational.]

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

Action Taken _____ Date _____

1 3. When death occurs in a moving conveyance in the United States and the body is first
2 removed from the conveyance in this state, the death shall be registered in this state and the place
3 where the body is first removed shall be considered the place of death. When a death occurs on a
4 moving conveyance while in international waters or air space or in a foreign country or its air space
5 and the body is first removed from the conveyance in this state, the death shall be registered in this
6 state but the certificate shall show the actual place of death if such place may be determined.

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

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

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

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

16 5. The medical certification shall be completed, attested to its accuracy either by signature
17 or an electronic process approved by the department, and returned to the funeral director or person
18 in charge of final disposition within seventy-two hours after death by the physician, physician
19 assistant, assistant physician, or advanced practice registered nurse in charge of the patient's care for
20 the illness or condition which resulted in death. In the absence of the physician, physician assistant,
21 assistant physician, or advanced practice registered nurse or with the physician's, physician
22 assistant's, assistant physician's, or advanced practice registered nurse's approval the certificate may
23 be completed and attested to its accuracy either by signature or an approved electronic process by
24 the physician's associate physician, the chief medical officer of the institution in which death
25 occurred, or the physician who performed an autopsy upon the decedent, provided such individual
26 has access to the medical history of the case, views the deceased at or after death and death is due to
27 natural causes. The person authorized to complete the medical certification may, in writing,
28 designate any other person to enter the medical certification information into the electronic death
29 registration system if the person authorized to complete the medical certificate has physically or by
30 electronic process signed a statement stating the cause of death. Any persons completing the
31 medical certification or entering data into the electronic death registration system shall be immune
32 from civil liability for such certification completion, data entry, or determination of the cause of
33 death, absent gross negligence or willful misconduct. The state registrar may approve alternate
34 methods of obtaining and processing the medical certification and filing the death certificate. The
35 Social Security number of any individual who has died shall be placed in the records relating to the
36 death and recorded on the death certificate.

37 6. When death occurs from natural causes more than thirty-six hours after the decedent was
38 last treated by a physician, physician assistant, assistant physician, or advanced practice registered
39 nurse, the case shall be referred to the county medical examiner or coroner or physician or local

1 registrar for investigation to determine and certify the cause of death. If the death is determined to
2 be of a natural cause, the medical examiner or coroner or local registrar shall refer the certificate of
3 death to the attending physician, physician assistant, assistant physician, or advanced practice
4 registered nurse for such certification. If the attending physician, physician assistant, assistant
5 physician, or advanced practice registered nurse refuses or is otherwise unavailable, the medical
6 examiner or coroner or local registrar shall attest to the accuracy of the certificate of death either by
7 signature or an approved electronic process within thirty-six hours.

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

12 8. If the cause of death cannot be determined within seventy-two hours after death, the
13 attending medical examiner, coroner, attending physician, physician assistant, assistant physician,
14 advanced practice registered nurse, or local registrar shall give the funeral director, or person in
15 charge of final disposition of the dead body, notice of the reason for the delay, and final disposition
16 of the body shall not be made until authorized by the medical examiner, coroner, attending
17 physician, physician assistant, assistant physician, advanced practice registered nurse, or local
18 registrar.

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

24 10. (1) The department of health and senior services shall notify all physicians, physician
25 assistants, assistant physicians, and advanced practice registered nurses licensed under chapters 334
26 and 335 of the requirements regarding the use of the electronic vital records system provided for in
27 this section.

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

34 11. Notwithstanding any provision of law to the contrary, if a coroner or deputy coroner is
35 not current with or is without the approved training under chapter 58, the department of health and
36 senior services shall prohibit such coroner from attesting to the accuracy of a certificate of death.
37 No person elected or appointed to the office of coroner can assume such elected office until the
38 training, as established by the coroner standards and training commission under the provisions of
39 section 58.035, has been completed and a certificate of completion has been issued. In the event a

1 coroner cannot fulfill his or her duties or is no longer qualified to attest to the accuracy of a death
2 certificate, the sheriff of the county shall appoint a medical professional to attest death certificates
3 until such time as the coroner can resume his or her duties or another coroner is appointed or elected
4 to the office.

5 193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall
6 pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for each
7 additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage,
8 divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be
9 required or collected for a certification of birth, death, or marriage if the request for certification is
10 made by the children's division, the division of youth services, a guardian ad litem, or a juvenile
11 officer on behalf of a child or person under twenty-one years of age who has come under the
12 jurisdiction of the juvenile court under section 211.031. All fees collected under this subsection
13 shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital
14 records fee collected, the director of revenue shall credit four dollars to the general revenue fund,
15 five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery
16 audit fund, one dollar for each certification or copy of death records to the Missouri state coroners'
17 training fund established in section 58.208, and three dollars for the first copy of death records and
18 five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri
19 public health services fund established in section 192.900. Money in the endowed care cemetery
20 audit fund shall be available by appropriation to the division of professional registration to pay its
21 expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in
22 the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund.

23 Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care
24 cemetery audit fund shall not be transferred and placed to the credit of general revenue until the
25 amount in the fund at the end of the biennium exceeds three times the amount of the appropriation
26 from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in
27 the public health services fund under this section shall be deposited in a separate account in the
28 fund, and moneys in such account, upon appropriation, shall be used to automate and improve the
29 state vital records system, and develop and maintain an electronic birth and death registration
30 system. For any search of the files and records, when no record is found, the state shall be entitled
31 to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by
32 the applicant. For the processing of each legitimation, adoption, court order or recording after the
33 registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification
34 of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect
35 any claim of any person on relief, or any dependent of any person who was on relief for any claim
36 upon the government of the state or United States, the state registrar shall, upon request, furnish a
37 certified copy or so many certified copies as are necessary, without any fee or compensation
38 therefor.

1 2. For the issuance of a certification of a death record by the local registrar, the applicant
2 shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for
3 each additional copy ordered at that time. For each fee collected under this subsection, one dollar
4 shall be deposited to the state department of revenue and the remainder shall be deposited to the
5 official city or county health agency. The director of revenue shall credit all fees deposited to the
6 state department of revenue under this subsection to the Missouri state coroners' training fund
7 established in section 58.208.

8 3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death
9 record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form
10 of government and with more than six hundred thousand but fewer than seven hundred thousand
11 inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees
12 required by law when a certification or copy of any marriage license or birth certificate is provided,
13 with such donations collected to be forwarded monthly by the local registrar to the county treasurer
14 of such county and the donations so forwarded to be deposited by the county treasurer into the
15 housing resource commission fund to assist homeless families and provide financial assistance to
16 organizations addressing homelessness in such county. The local registrar shall include a check-off
17 box on the application form for such copies. All fees collected under this subsection, other than the
18 donations collected in any county with a charter form of government and with more than six
19 hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth
20 certificates, shall be deposited to the official city or county health agency.

21 4. A certified copy of a death record by the local registrar can only be issued ~~[within twenty-~~
22 ~~four hours of receipt of the record by the local registrar. Computer-generated certifications of death~~
23 ~~records may be issued by the local registrar after twenty-four hours of receipt of the records]~~ after
24 acceptance and registration with the state registrar. The fees paid to the official county health
25 agency shall be retained by the local agency for local public health purposes.

26 5. No fee under this section shall be required or collected from a parent or guardian of a
27 homeless child or homeless youth, as defined in subsection 1 of section 167.020, or an
28 unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for the issuance of a certification,
29 or copy of such certification, of birth of such child or youth. An unaccompanied youth shall be
30 eligible to receive a certification or copy of his or her own birth record without the consent or
31 signature of his or her parent or guardian; provided, that only one certificate under this provision
32 shall be provided without cost to the unaccompanied or homeless youth. For the issuance of any
33 additional certificates, the statutory fee shall be paid."; and

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35 Further amend said bill by amending the title, enacting clause, and intersectional references
36 accordingly.