

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 517
98TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, April 2, 2015, with recommendation that the Senate Committee Substitute do pass.

2347S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

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

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Section A. Sections 193.015 and 193.145, RSMo, are repealed and two new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

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

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

5 (2) **"Assistant physician", as such term is defined in section**
6 **334.036;**

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

10 [(2)] (4) **"Department", the department of health and senior services;**

11 [(3)] (5) **"Final disposition", the burial, interment, cremation, removal**
12 **from the state, or other authorized disposition of a dead body or fetus;**

13 [(4)] (6) **"Institution", any establishment, public or private, which**
14 **provides inpatient or outpatient medical, surgical, or diagnostic care or treatment**
15 **or nursing, custodian, or domiciliary care, or to which persons are committed by**
16 **law;**

17 [(5)] (7) **"Live birth", the complete expulsion or extraction from its**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 mother of a child, irrespective of the duration of pregnancy, which after such
19 expulsion or extraction, breathes or shows any other evidence of life such as
20 beating of the heart, pulsation of the umbilical cord, or definite movement of
21 voluntary muscles, whether or not the umbilical cord has been cut or the placenta
22 is attached;

23 [(6)] (8) "Physician", a person authorized or licensed to practice medicine
24 or osteopathy pursuant to chapter 334;

25 [(7)] (9) **"Physician assistant", a person licensed to practice as a**
26 **physician assistant pursuant to chapter 334;**

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

33 [(8)] (11) "State registrar", state registrar of vital statistics of the state
34 of Missouri;

35 [(9)] (12) "System of vital statistics", the registration, collection,
36 preservation, amendment and certification of vital records; the collection of other
37 reports required by sections 193.005 to 193.325 and section 194.060; and
38 activities related thereto including the tabulation, analysis and publication of
39 vital statistics;

40 [(10)] (13) "Vital records", certificates or reports of birth, death,
41 marriage, dissolution of marriage and data related thereto;

42 [(11)] (14) "Vital statistics", the data derived from certificates and
43 reports of birth, death, spontaneous fetal death, marriage, dissolution of marriage
44 and related reports.

193.145. 1. A certificate of death for each death which occurs in this state
2 shall be filed with the local registrar, or as otherwise directed by the state
3 registrar, within five days after death and shall be registered if such certificate
4 has been completed and filed pursuant to this section. All data providers in the
5 death registration process, including, but not limited to, the state registrar, local
6 registrars, the state medical examiner, county medical examiners, coroners,
7 funeral directors or persons acting as such, embalmers, sheriffs, attending
8 physicians and resident physicians, **physician assistants, assistant**
9 **physicians, advanced practice registered nurses**, and the chief medical

10 officers of licensed health care facilities, and other public or private institutions
11 providing medical care, treatment, or confinement to persons, shall be required
12 to use and utilize any electronic death registration system required and adopted
13 under subsection 1 of section 193.265 within six months of the system being
14 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
16 death registration process. However, should the person or entity that certifies the
17 cause of death not be part of, or does not use, the electronic death registration
18 system, the funeral director or person acting as such may enter the required
19 personal data into the electronic death registration system and then complete the
20 filing by presenting the signed cause of death certification to the local registrar,
21 in which case the local registrar shall issue death certificates as set out in
22 subsection 2 of section 193.265. Nothing in this section shall prevent the state
23 registrar from adopting pilot programs or voluntary electronic death registration
24 programs until such time as the system can be certified; however, no such pilot
25 or voluntary electronic death registration program shall prevent the filing of a
26 death certificate with the local registrar or the ability to obtain certified copies
27 of death certificates under subsection 2 of section 193.265 until six months after
28 such certification that the system is operational.

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

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

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

45 (1) The personal data from the next of kin or the best qualified person or

46 source available; and

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

49 5. The medical certification shall be completed, attested to its accuracy
50 either by signature or an electronic process approved by the department, and
51 returned to the funeral director or person in charge of final disposition within
52 seventy-two hours after death by the physician, **physician assistant, assistant**
53 **physician, advanced practice registered nurse** in charge of the patient's
54 care for the illness or condition which resulted in death. In the absence of the
55 physician, **physician assistant, assistant physician, advanced practice**
56 **registered nurse** or with the physician's, **physician assistant's, assistant**
57 **physician's, or advanced practice registered nurse's** approval the
58 certificate may be completed and attested to its accuracy either by signature or
59 an approved electronic process by the physician's associate physician, the chief
60 medical officer of the institution in which death occurred, or the physician who
61 performed an autopsy upon the decedent, provided such individual has access to
62 the medical history of the case, views the deceased at or after death and death is
63 due to natural causes. The state registrar may approve alternate methods of
64 obtaining and processing the medical certification and filing the death
65 certificate. The Social Security number of any individual who has died shall be
66 placed in the records relating to the death and recorded on the death certificate.

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

81 7. If the circumstances suggest that the death was caused by other than

82 natural causes, the medical examiner or coroner shall determine the cause of
83 death and shall complete and attest to the accuracy either by signature or an
84 approved electronic process the medical certification within seventy-two hours
85 after taking charge of the case.

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

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

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