

FIRST REGULAR SESSION

SENATE BILL NO. 34

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLER.

Pre-filed December 1, 2018, and ordered printed.

0384S.01I

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 58.095 and 193.145, RSMo, and to enact in lieu thereof four new sections relating to coroners.

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

Section A. Sections 58.095 and 193.145, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 58.035, 58.095, 58.208, and 193.145, to read as follows:

58.035. 1. There is hereby established within the department of public safety a "Coroner Standards and Training Commission" which shall be composed of eleven members, appointed by the governor, with the advice and consent of the senate. No more than two members of the coroner standards and training commission shall reside in the same congressional district as any other at the time of their appointments but this provision shall not apply to any state director. No two members of the commission shall be employees of the same county. Six members of the coroner standards and training commission shall be elected county coroners, two members shall be currently appointed medical examiners, one member shall be an elected county prosecutor, one member shall be the director of the department of public safety or his or her designee, and one member shall be the director of the department of health and senior services or his or her designee. Each member of the coroner standards and training commission shall have been at the time of his appointment a citizen of the United States and a resident of this state for a period of at least one year, and members who are coroners shall be qualified as established by chapter 58. No

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

19 member of the commission, except the directors of state departments,
20 serving a full term of three years may be reappointed to the coroner
21 standards and training commission until at least one year after the
22 expiration of his or her most recent term.

23 **2. Three of the original members of the coroner standards and**
24 **training commission shall be appointed for terms of one year, three of**
25 **the original members shall be appointed for terms of two years, and**
26 **three of the original members shall be appointed for terms of three**
27 **years. Thereafter the terms of the members of the coroner standards**
28 **and training commission, except the state department directors, shall**
29 **be for three years or until their successors are appointed. The**
30 **governor may remove any member of the coroner standards and**
31 **training commission for misconduct or neglect of office. Any member**
32 **of the coroner standards and training commission may be removed for**
33 **cause by the governor but such member shall first be presented with a**
34 **written statement of the reasons thereof, and shall have a hearing**
35 **before the coroner standards and training commission if the member**
36 **so requests.**

37 **3. Annually the commission shall elect one of the members as**
38 **chairperson. The coroner standards and training commission shall**
39 **meet at least twice each year as determined by the director of public**
40 **safety, the chairperson, or a majority of the members to perform its**
41 **duties. A majority of the members of the coroner standards and**
42 **training commission shall constitute a quorum.**

43 **4. No member of the coroner standards and training commission**
44 **shall receive any compensation for the performance of his or her**
45 **official duties.**

46 **5. The coroner standards and training commission shall establish**
47 **training standards relating to the office of county coroner. These**
48 **standards shall relate to the operation of the office, the legal**
49 **responsibilities of the office, and the technical skills and knowledge**
50 **required of the office.**

58.095. 1. The county coroner in any county, other than in a first
2 classification chartered county, shall receive an annual salary computed on a
3 basis as set forth in the following schedule. The provisions of this section shall
4 not permit or require a reduction in the amount of compensation being paid for
5 the office of coroner on January 1, 1997:

	Assessed Valuation		Salary
7	\$ 18,000,000	to	40,999,999 \$ 8,000
8	41,000,000	to	53,999,999 8,500
9	54,000,000	to	65,999,999 9,000
10	66,000,000	to	85,999,999 9,500
11	86,000,000	to	99,999,999 10,000
12	100,000,000	to	130,999,999 11,000
13	131,000,000	to	159,999,999 12,000
14	160,000,000	to	189,999,999 13,000
15	190,000,000	to	249,999,999 14,000
16	250,000,000	to	299,999,999 15,000
17	300,000,000	or more	16,000

18 2. One thousand dollars of the salary authorized in this section shall be
19 payable to the coroner only if the coroner has completed at least twenty hours of
20 classroom instruction each calendar year [relating to the operations of the
21 coroner's office when approved by a professional association of the county
22 coroners of Missouri] as established by the coroners standards and
23 training commission unless exempted from the training by the [professional
24 association] Missouri Coroners' and Medical Examiners' Association for
25 good cause. The [professional association approving the program] Missouri
26 Coroners' and Medical Examiners' Association shall provide a certificate
27 of completion to each coroner who completes the training program and shall send
28 a list of certified coroners to the treasurer of each county and the department
29 of health and senior services. The coroners standards and training
30 commission may certify training programs that satisfy the
31 requirements of this section in lieu of the training provided by the
32 Missouri Coroners' and Medical Examiners' Association. Certified
33 training completion shall be submitted to the Missouri Coroners' and
34 Medical Examiners' Association, which, upon validating the certified
35 training, shall submit the individuals name to the county treasurer and
36 department of health and senior services indicating the individual is
37 compliant with the training requirements. Expenses incurred for attending
38 the training session may be reimbursed to the county coroner in the same manner
39 as other expenses as may be appropriated for that purpose. All elected or
40 appointed coroners, deputy coroners, and assistants to the coroner shall complete
41 the annual training described in this subsection within six months of election or

42 appointment.

43 3. The county coroner in any county, other than a first classification
44 charter county, shall not, except upon two-thirds vote of all the members of the
45 salary commission, receive an annual compensation in an amount less than the
46 total compensation being received for the office of county coroner in the particular
47 county for services rendered or performed on the date the salary commission
48 votes.

49 4. For the term beginning in 1997, the compensation of the coroner, in
50 counties in which the salary commission has not voted to pay one hundred
51 percent of the maximum allowable salary, shall be a percentage of the maximum
52 allowable salary established by this section. The percentage applied shall be the
53 same percentage of the maximum allowable salary received or allowed, whichever
54 is greater, to the presiding commissioner or sheriff, whichever is greater, of that
55 county for the year beginning January 1, 1997. In those counties in which the
56 salary commission has voted to pay one hundred percent of the maximum
57 allowable salary, the compensation of the coroner shall be based on the maximum
58 allowable salary in effect at each time a coroner's term of office commences
59 following the vote to pay one hundred percent of the maximum allowable
60 compensation. Subsequent compensation shall be determined as provided in
61 section 50.333.

62 5. Effective January 1, 1997, the county coroner in any county, other than
63 a county of the first classification with a charter form of government, may, upon
64 the approval of the county commission, receive additional compensation for any
65 month during which investigations or other services are performed for three or
66 more decedents in the same incident during such month. The additional
67 compensation shall be an amount that when added to the regular compensation
68 the sum shall equal the monthly compensation of the county sheriff.

**58.208. 1. For any death certificate issued under section 193.265
2 there shall be a fee of one dollar, which shall be deposited into the
3 Missouri state coroners' training fund established under subsection 2
4 of this section. Moneys in such fund shall be used by the Missouri
5 Coroners' and Medical Examiners' Association:**

6 **(1) For in-state training, equipment, and necessary supplies; and
7 (2) To provide aid to training programs approved by the
8 Missouri Coroners' and Medical Examiners' Association.**

9 **2. (1) There is hereby created in the state treasury the "Missouri**

10 **State Coroners' Training Fund", which shall consist of moneys collected**
11 **under subsection 1 of this section. The state treasurer shall be**
12 **custodian of the fund. In accordance with sections 30.170 and 30.180,**
13 **the state treasurer may approve disbursements. The fund shall be a**
14 **dedicated fund and, upon appropriation, moneys in the fund shall be**
15 **used solely for the administration of subsection 1 of this section.**

16 **(2) Notwithstanding the provisions of section 33.080 to the**
17 **contrary, any moneys remaining in the fund over the amount of five**
18 **hundred thousand dollars shall revert to the credit of the general**
19 **revenue fund.**

20 **(3) The state treasurer shall invest moneys in the fund in the**
21 **same manner as other funds are invested. Any interest and moneys**
22 **earned on such investments shall be credited to the fund.**

23 **3. Local registrars may, during states of emergency or disaster,**
24 **request reimbursement from the fund for copies of death certificates**
25 **issued to individuals who are unable to afford the associated fees.**

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 physicians,
9 advanced practice registered nurses, and the chief medical officers of licensed
10 health care facilities, and other public or private institutions providing medical
11 care, treatment, or confinement to persons, shall be required to use and utilize
12 any electronic death registration system required and adopted under subsection
13 1 of section 193.265 within six months of the system being certified by the
14 director of the department of health and senior services, or the director's
15 designee, to be operational and available to all data providers in the death
16 registration process. However, should the person or entity that certifies the cause
17 of death not be part of, or does not use, the electronic death registration system,
18 the funeral director or person acting as such may enter the required personal
19 data into the electronic death registration system and then complete the filing by
20 presenting the signed cause of death certification to the local registrar, in which

21 case the local registrar shall issue death certificates as set out in subsection 2 of
22 section 193.265. Nothing in this section shall prevent the state registrar from
23 adopting pilot programs or voluntary electronic death registration programs until
24 such time as the system can be certified; however, no such pilot or voluntary
25 electronic death registration program shall prevent the filing of a death certificate
26 with the local registrar or the ability to obtain certified copies of death
27 certificates under subsection 2 of section 193.265 until six months after such
28 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 and enter into the
45 electronic death registration system:

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

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

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

53 5. The medical certification shall be completed, attested to its accuracy
54 either by signature or an electronic process approved by the department, and
55 returned to the funeral director or person in charge of final disposition within
56 seventy-two hours after death by the physician, physician assistant, assistant

57 physician, **or** advanced practice registered nurse in charge of the patient's care
58 for the illness or condition which resulted in death. In the absence of the
59 physician, physician assistant, assistant physician, advanced practice registered
60 nurse or with the physician's, physician assistant's, assistant physician's, or
61 advanced practice registered nurse's approval the certificate may be completed
62 and attested to its accuracy either by signature or an approved electronic process
63 by the physician's associate physician, the chief medical officer of the institution
64 in which death occurred, or the physician who performed an autopsy upon the
65 decedent, provided such individual has access to the medical history of the case,
66 views the deceased at or after death and death is due to natural causes. The
67 person authorized to complete the medical certification may, in writing, designate
68 any other person to enter the medical certification information into the electronic
69 death registration system if the person authorized to complete the medical
70 certificate has physically or by electronic process signed a statement stating the
71 cause of death. Any persons completing the medical certification or entering data
72 into the electronic death registration system shall be immune from civil liability
73 for such certification completion, data entry, or determination of the cause of
74 death, absent gross negligence or willful misconduct. The state registrar may
75 approve alternate methods of obtaining and processing the medical certification
76 and filing the death certificate. The Social Security number of any individual
77 who has died shall be placed in the records relating to the death and recorded on
78 the death certificate.

79 6. When death occurs from natural causes more than thirty-six hours after
80 the decedent was last treated by a physician, physician assistant, assistant
81 physician, advanced practice registered nurse, the case shall be referred to the
82 county medical examiner or coroner or physician or local registrar for
83 investigation to determine and certify the cause of death. If the death is
84 determined to be of a natural cause, the medical examiner or coroner or local
85 registrar shall refer the certificate of death to the attending physician, physician
86 assistant, assistant physician, **or** advanced practice registered nurse for such
87 certification. If the attending physician, physician assistant, assistant physician,
88 advanced practice registered nurse refuses or is otherwise unavailable, the
89 medical examiner or coroner or local registrar shall attest to the accuracy of the
90 certificate of death either by signature or an approved electronic process within
91 thirty-six hours.

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

93 natural causes, the medical examiner or coroner shall determine the cause of
94 death and shall [complete and attest to the accuracy], either by signature or an
95 approved electronic process, **complete and attest to the accuracy of** the
96 medical certification within seventy-two hours after taking charge of the case.

97 8. If the cause of death cannot be determined within seventy-two hours
98 after death, the attending medical examiner, coroner, attending physician,
99 physician assistant, assistant physician, advanced practice registered nurse, or
100 local registrar shall give the funeral director, or person in charge of final
101 disposition of the dead body, notice of the reason for the delay, and final
102 disposition of the body shall not be made until authorized by the medical
103 examiner, coroner, attending physician, physician assistant, assistant physician,
104 advanced practice registered nurse, or local registrar.

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

111 10. (1) The department of health and senior services shall notify all
112 physicians, physician assistants, assistant physicians, and advanced practice
113 registered nurses licensed under chapters 334 and 335 of the requirements
114 regarding the use of the electronic vital records system provided for in this
115 section.

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

123 11. **Notwithstanding any provision of law, if a coroner or deputy**
124 **coroner is not current with or is without the approved training**
125 **required under chapter 58, the department of health and senior**
126 **services shall prohibit such coroner from attesting to the accuracy of**
127 **a certificate of death.**