

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3504S.01I
Bill No.: SB 1070
Subject: Domestic Relations; Funerals and Funeral Directors; Marriage and Divorce;
Estates, Wills, And Trusts; Department of Health and Senior Services; Vital
Statistics
Type: Original
Date: March 6, 2022

Bill Summary: This proposal modifies provisions relating to the right of sepulcher and the death registration process.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue	(\$294,091)	(\$240,631)	(\$242,836)
Total Estimated Net Effect on General Revenue	(\$294,091)	(\$240,631)	(\$242,836)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue	4 FTE	4 FTE	4 FTE
Total Estimated Net Effect on FTE	4 FTE	4 FTE	4 FTE

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§193.065, 193.145, 193.265, and 194.119 - Final Disposition of Remains

Officials from the **Department of Health and Senior Services (DHSS)** state the Missouri Electronic Vital Records (MoEVR) system, used to register death certificates, is not designed to allow medical certification and attestation or embalmer certification exemption by funeral directors or any other person in charge of final disposition of the dead body.

In addition to having to update the current system to implement the provisions of the proposed legislation, processes would need to be developed to stop the current automatic registration of death records and create a new system ability for funeral directors to upload documents to the state to allow time to review and verify the medical and embalmer information being submitted in the MoEVR system prior to registration.

To change the system to allow attestation of medical information and the embalmer certification exemption, as proposed in §193.145, would incur a fiscal impact to the state both in direct technological system costs and also in additional FTEs.

The program estimates that approximately four (4) additional Administrative Support Assistants (ASA, \$30,875 annually, each) would be required to take on a new oversight role in manually reviewing death registrations. The number of FTEs required is generated from the assumption that 35% (or 26,876 records) of all death records (76,789) registered in the State of Missouri would utilize the proposed attestation process. The new process would be more complex, would result in more partial paper death records outside of the existing current eight to ten percent (8-10%) drop to paper (DTP) or partial paper death records each year, and would require more advanced manual review of records that are currently automated in the MoEVR system.

Each ASA is estimated to match, review, troubleshoot, and process 25 death records sent to the Bureau of Vital Records through attestation per working day. At 260 working days, an ASA could process 6,500 death certificates per calendar year. In order to timely process all estimated 26,876 death records coming through attestation, 4 FTEs would be required with a combined processing capacity of 26,000 death certificates (assuming no vacancies, sick or annual leave, and working at full capacity). The 876 death certificate difference has been determined to be within an adjustable margin of error; therefore, an additional FTE is not required other than the four (4) FTE stated above.

Oversight contacted DHSS regarding this proposal. DHSS noted that currently death certificates are partially filled out by funeral home directors/morticians but **the cause of death must be filled out by the physician**. This proposal would change this requirement. DHSS does not

believe it can simply allow embalmers/funeral directors to attest (fill out and sign) the cause of death without a manual stop-gap measure in the system to verify the cause of death as reported by embalmers because this information is essential for health records, insurance claims, etc. It is important, from a legal standpoint, that the information is accurate. Therefore, DHSS believes they must implement a manual review for death certificates not signed by physicians. **Oversight**, will, for fiscal note purposes, present DHSS' proposed costs for 4 FTE.

Officials from the **Office of Administration, Information Technology Services Division (ITSD)/DHSS** state the system is currently set up to only allow physicians, medical examiners, or coroners the ability to certify the medical portion of the death certificate; specifically being able to certify the cause of death. The proposed legislation would require the MoEVR system be modified to allow a person designated by the physician, medical examiner, or coroner to obtain or verify and enter into the system the medical certification information and attestation of that information for a death certificate.

ITSD states the consultant rate of \$95 per hour is an estimated rate based on current contract(s) pricing. It is assumed that any new IT project/system will be bid out, as all ITSD resources are at full capacity. It is estimated the proposal will require 91.8 consultant hours at a cost of \$8,721. In addition PAQ (Project Assessment Quotation) with ManTech will cost \$45,572 for a total cost of \$54,293 to the General Revenue Fund in FY 2023.

Oversight does not have any information to the contrary and will reflect ITSD's estimated costs to the General Revenue Fund for FY 2023.

Officials from the **Department of Commerce and Insurance, the Office of the State Courts Administrator, the Kansas City Health Department, the Newton County Health Department** and the **St. Louis County Health Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other local public health agencies were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
GENERAL REVENUE FUND			
<u>Costs – DHSS</u> (§§193.065, 193.145, 193.265, and 194.119)			
Personal service	(\$102,917)	(\$124,736)	(\$125,983)
Fringe benefits	(\$79,320)	(\$95,633)	(\$96,086)
Equipment and expense	(\$57,561)	(\$20,262)	(\$20,767)
<u>Total Costs – DHSS</u>	<u>(\$239,798)</u>	<u>(\$240,631)</u>	<u>(\$242,836)</u>
FTE Change – DHSS	4 FTE	4 FTE	4 FTE
Costs – OA, ITSD (§193.145) – MoEVR system upgrades	(\$54,293)	\$0	\$0
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$294,091)</u>	<u>(\$240,631)</u>	<u>(\$242,836)</u>
Estimated Net FTE Change on the General Revenue Fund	4 FTE	4 FTE	4 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act modifies provisions regarding the death registration process and the right of sepulcher.

Under current law, the medical certification from a medical provider is entered into the electronic death registration system. This act requires an attestation from the medical provider who completed the medical certification to be entered into the system as well. The embalmer shall not be required to sign or certify a death certificate if the death certificate is filed by a licensed funeral director.

Additionally, if the State Registrar determines that information on a document or record filed with or submitted to a local registrar is incomplete, the State Registrar shall return the records or documents with the incomplete information to the local registrar for correction by the data provider, funeral director, or person in charge of the final disposition.

Current law provides a list, in the order of priority, of next-of-kin who have the right to control the disposition of a dead human body. This act provides that the surviving spouse shall not be considered as next-of-kin if an action for dissolution of marriage has been filed and is pending in a court of competent jurisdiction. Additionally, the next-of-kin of a deceased person may delegate the final disposition of the deceased to an agent through a power of attorney.

Under this act, an individual with a superior claim to the disposition of the deceased may be notified in person or by written notice with delivery confirmation, rather than "personally served with written notice", by a person with an inferior claim who has the desire to exercise the right to control the final disposition of the deceased.

Finally, this act repeals a provision allowing the State Registrar to adopt pilot programs or voluntary electronic death registration programs until an electronic death registration system is certified. Additionally, this act repeals a provision requiring the Division of Community and Public Health within the Department of Health and Senior Services to create a working group for the purposes of evaluating the electronic vital records system and to submit a report on findings to the General Assembly by January 1, 2016.

This legislation is not federally mandated and would not duplicate any other program, but may require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Commerce and Insurance

Department of Health and Senior Services

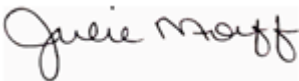
Office of Administration – Information Technology Services Division/DHSS

Office of the State Courts Administrator

Kansas City Health Department

Newton County Health Department

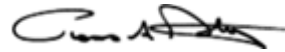
St. Louis County Health Department



Julie Morff

Director

March 6, 2022



Ross Strobe

Assistant Director

March 6, 2022