

SECOND REGULAR SESSION

HOUSE BILL NO. 2879

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOSLEY.

5627H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 193.145, RSMo, and to enact in lieu thereof seven new sections relating to health care.

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

Section A. Section 193.145, RSMo, is repealed and seven new sections enacted in lieu thereof, to be known as sections 192.1004, 192.1005, 192.1010, 192.1015, 192.1020, 193.145, and 197.178, to read as follows:

192.1004. No reimbursement is required by the provisions of sections 192.1004 to 192.1020, subdivision (3) of subsection 4 of section 193.145, and section 197.178 because the only costs that may be incurred by a local agency or school district will be incurred because such provisions create a new crime or infraction, eliminate a crime or infraction, change the penalty for a crime or infraction, or change the definition of a crime.

192.1005. Sections 192.1005 to 192.1020 shall be known and may be cited as the "Missouri Dignity in Pregnancy and Childbirth Act".

192.1010. For purposes of sections 192.1005 to 192.1020, the following terms mean:

(1) "Implicit bias", a bias in judgment or behavior that results from subtle cognitive processes, including implicit prejudice and implicit stereotypes that often operate at a level below conscious awareness and without intentional control;

(2) "Implicit prejudice", prejudicial negative feelings or beliefs about a group that a person holds without being aware of them;

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.

8 (3) "Implicit stereotypes", the unconscious attributions of particular qualities to
9 a member of a certain social group. Implicit stereotypes are influenced by experience
10 and are based on learning associations between various qualities and social categories,
11 including race or gender;

12 (4) "Perinatal care", the provision of care during pregnancy, labor, delivery, and
13 postpartum and neonatal periods;

14 (5) "Pregnancy-related death", the death of a person while pregnant or within
15 three hundred sixty-five days of the end of a pregnancy, regardless of the duration or
16 site of the pregnancy, from any cause related to, or aggravated by, the pregnancy or its
17 management, but not from accidental or incidental causes.

192.1015. 1. Any hospital, clinic, or other health care facility that provides
2 perinatal care shall implement an evidence-based implicit bias program for all health
3 care providers involved in the perinatal care of patients within those facilities.

4 2. An implicit bias program implemented under subsection 1 of this section shall
5 include all of the following:

6 (1) Identification of previous or current unconscious biases and misinformation;

7 (2) Identification of personal, interpersonal, institutional, structural, and
8 cultural barriers to inclusion;

9 (3) Corrective measures to decrease implicit bias at the interpersonal and
10 institutional levels, including ongoing policies and practices for that purpose;

11 (4) Information on the effects, including, but not limited to, ongoing personal
12 effects, of historical and contemporary exclusion and oppression of minority
13 communities;

14 (5) Information about cultural identity across racial or ethnic groups;

15 (6) Information about communicating more effectively across identities,
16 including racial, ethnic, religious, and gender identities;

17 (7) Discussion on power dynamics and organizational decision-making;

18 (8) Discussion on health inequities within the perinatal care field, including
19 information on how implicit bias impacts maternal and infant health outcomes;

20 (9) Perspectives of diverse, local constituency groups and experts on particular
21 racial, identity, cultural, and provider-community relations issues in the community;
22 and

23 (10) Information on reproductive justice.

24 3. (1) A health care provider described in subsection 1 of this section shall
25 complete initial basic training through the implicit bias program based on the
26 components described in subsection 2 of this section.

27 (2) Upon completion of the initial basic training, a health care provider shall
28 complete a refresher course under the implicit bias program every two years thereafter,
29 or on a more frequent basis if deemed necessary by the facility, in order to keep current
30 with changing racial, identity, and cultural trends and best practices in decreasing
31 interpersonal and institutional implicit bias.

32 4. A facility described in subsection 1 of this section shall provide a certificate of
33 training completion to another facility or a training attendee upon request. A facility
34 may accept a certificate of completion from another facility described in subsection 1 of
35 this section to satisfy the training requirement described in subsection 3 of this section
36 from a health care provider who works in more than one facility.

37 5. Notwithstanding subsections 1 to 4 of this section, if a physician involved in
38 the perinatal care of patients is not directly employed by a facility, the facility shall offer
39 the training to the physician.

 192.1020. 1. The department of health and senior services shall track data on
2 severe maternal morbidity including, but not limited to, all of the following health
3 conditions:

- 4 (1) Obstetric hemorrhage;
- 5 (2) Hypertension;
- 6 (3) Preeclampsia and eclampsia;
- 7 (4) Venous thromboembolism;
- 8 (5) Sepsis;
- 9 (6) Cerebrovascular accident; and
- 10 (7) Amniotic fluid embolism.

11 2. The data on severe maternal morbidity collected under subsection 1 of this
12 section shall be published at least once every three years after all of the following have
13 occurred:

14 (1) The data has been aggregated by state regions, as defined by the department
15 of health and senior services, to ensure data reflects how regionalized care systems are
16 or should be collaborating to improve maternal health outcomes or other smaller
17 regional sorting based on standard statistical methods for accurate dissemination of
18 public health data without risking a confidentiality or other disclosure breach; and

19 (2) The data has been disaggregated by racial and ethnic identity.

20 3. The department of health and senior services shall track data on pregnancy-
21 related deaths including, but not limited to, all of the conditions listed in subsection 1 of
22 this section, indirect obstetric deaths, and other maternal disorders predominantly
23 related to pregnancy and complications predominantly related to the puerperium.

24 **4. The data on pregnancy-related deaths collected under subsection 3 of this**
25 **section shall be published, at least once every three years, after all of the following have**
26 **occurred:**

27 **(1) The data has been aggregated by state regions, as defined by the department**
28 **of health and senior services, to ensure data reflects how regionalized care systems are**
29 **or should be collaborating to improve maternal health outcomes or other smaller**
30 **regional sorting based on standard statistical methods for accurate dissemination of**
31 **public health data without risking a confidentiality or other disclosure breach; and**

32 **(2) The data has been disaggregated by racial and ethnic identity.**

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

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

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

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

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

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

43 (3) **Information indicating whether the decedent was pregnant at the time of**
44 **death, or within a year prior to the death, if known, as determined by observation,**
45 **autopsy, or review of the medical record. The electronic death registration system shall**
46 **capture additional information regarding the pregnancy status of the decedent**
47 **consistent with the data elements on the U.S. Standard Certificate of Death. This**
48 **subdivision shall not be interpreted to require the performance of a pregnancy test on a**
49 **decedent or to require a review of medical records in order to determine pregnancy; and**

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

53 5. The medical certification shall be completed, attested to its accuracy either by
54 signature or an electronic process approved by the department, and returned to the funeral
55 director or person in charge of final disposition within seventy-two hours after death by the
56 physician, physician assistant, assistant physician, or advanced practice registered nurse in
57 charge of the patient's care for the illness or condition which resulted in death. In the absence
58 of the physician, physician assistant, assistant physician, advanced practice registered nurse
59 or with the physician's, physician assistant's, assistant physician's, or advanced practice
60 registered nurse's approval the certificate may be completed and attested to its accuracy either
61 by signature or an approved electronic process by the physician's associate physician, the
62 chief medical officer of the institution in which death occurred, or the physician who
63 performed an autopsy upon the decedent, provided such individual has access to the medical
64 history of the case, views the deceased at or after death and death is due to natural causes.
65 The person authorized to complete the medical certification may, in writing, designate any

66 other person to enter the medical certification information into the electronic death
67 registration system if the person authorized to complete the medical certificate has physically
68 or by electronic process signed a statement stating the cause of death. Any persons
69 completing the medical certification or entering data into the electronic death registration
70 system shall be immune from civil liability for such certification completion, data entry, or
71 determination of the cause of death, absent gross negligence or willful misconduct. The state
72 registrar may approve alternate methods of obtaining and processing the medical certification
73 and filing the death certificate. The Social Security number of any individual who has died
74 shall be placed in the records relating to the death and recorded on the death certificate.

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

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

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

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

102 10. (1) The department of health and senior services shall notify all physicians,
103 physician assistants, assistant physicians, and advanced practice registered nurses licensed
104 under chapters 334 and 335 of the requirements regarding the use of the electronic vital
105 records system provided for in this section.

106 (2) On or before August 30, 2015, the department of health and senior services,
107 division of community and public health shall create a working group comprised of
108 representation from the Missouri electronic vital records system users and recipients of death
109 certificates used for professional purposes to evaluate the Missouri electronic vital records
110 system, develop recommendations to improve the efficiency and usability of the system, and
111 to report such findings and recommendations to the general assembly no later than January 1,
112 2016.

113 11. Notwithstanding any provision of law to the contrary, if a coroner or deputy
114 coroner is not current with or is without the approved training under chapter 58, the
115 department of health and senior services shall prohibit such coroner from attesting to the
116 accuracy of a certificate of death. No person elected or appointed to the office of coroner can
117 assume such elected office until the training, as established by the coroner standards and
118 training commission under the provisions of section 58.035, has been completed and a
119 certificate of completion has been issued. In the event a coroner cannot fulfill his or her
120 duties or is no longer qualified to attest to the accuracy of a death certificate, the sheriff of the
121 county shall appoint a medical professional to attest death certificates until such time as the
122 coroner can resume his or her duties or another coroner is appointed or elected to the office.

**197.178. 1. Each hospital shall provide each patient, upon admission or as soon
2 thereafter as reasonably practical, written information regarding the following rights of
3 the patient:**

4 **(1) The right to be informed of continuing health care requirements following
5 discharge from the hospital;**

6 **(2) The right to be informed that, if the patient so authorizes, a friend or family
7 member may be provided information about the patient's continuing health care
8 requirements following discharge from the hospital;**

9 **(3) The right to participate actively in decisions regarding medical care. To the
10 extent permitted by law, participation shall include the right to refuse treatment;**

11 **(4) The right to appropriate pain assessment and treatment;**

12 **(5) The right to be free of discrimination on the basis of any protected status as
13 set forth in chapter 213; and**

14 **(6) The right to information on how to file a complaint with the following:**

15 **(a) The department of health and senior services;**

16 **(b) The Missouri commission on human rights; and**

17 **(c) The state board of registration for the healing arts.**

18 **2. A hospital may include the information required by this section with other**
19 **notices to the patient regarding patient rights. If a hospital chooses to include this**
20 **information along with existing notices to the patient regarding patient rights, any**
21 **newly required information shall be provided when the hospital exhausts its existing**
22 **inventory of written materials and prints new written materials.**

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