

FIRST REGULAR SESSION

HOUSE BILL NO. 447

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOUX.

0489H.011

DANA RADEMAN MILLER, Chief Clerk

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Section A. Sections 58.095 and 193.145, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 58.035, 58.095, 58.208, and 193.145, to read as follows: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 member of the commission, except the directors of state departments,

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.

16 serving a full term of three years may be reappointed to the coroner standards and training
17 commission until at least one year after the expiration of his or her most recent term.

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

29 **3. Annually the commission shall elect one of the members as chairperson. The**
30 **coroner standards and training commission shall meet at least twice each year as**
31 **determined by the director of public safety, the chairperson, or a majority of the members**
32 **to perform its duties. A majority of the members of the coroner standards and training**
33 **commission shall constitute a quorum.**

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

36 **5. The coroner standards and training commission shall establish training**
37 **standards relating to the office of county coroner. These standards shall relate to the**
38 **operation of the office, the legal responsibilities of the office, and the technical skills and**
39 **knowledge required of the office.**

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

	Assessed Valuation	Salary
5		
6	\$ 18,000,000 to 40,999,999	\$8,000
7	41,000,000 to 53,999,999	8,500
8	54,000,000 to 65,999,999	9,000
9	66,000,000 to 85,999,999	9,500
10	86,000,000 to 99,999,999	10,000
11	100,000,000 to 130,999,999	11,000
12	131,000,000 to 159,999,999	12,000

13	160,000,000 to 189,999,999	13,000
14	190,000,000 to 249,999,999	14,000
15	250,000,000 to 299,999,999	15,000
16	300,000,000 or more	16,000

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

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

42 4. For the term beginning in 1997, the compensation of the coroner, in counties in which
 43 the salary commission has not voted to pay one hundred percent of the maximum allowable
 44 salary, shall be a percentage of the maximum allowable salary established by this section. The
 45 percentage applied shall be the same percentage of the maximum allowable salary received or
 46 allowed, whichever is greater, to the presiding commissioner or sheriff, whichever is greater, of
 47 that county for the year beginning January 1, 1997. In those counties in which the salary
 48 commission has voted to pay one hundred percent of the maximum allowable salary, the

49 compensation of the coroner shall be based on the maximum allowable salary in effect at each
50 time a coroner's term of office commences following the vote to pay one hundred percent of the
51 maximum allowable compensation. Subsequent compensation shall be determined as provided
52 in section 50.333.

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

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

5 **(1) For in-state training, equipment, and necessary supplies; and**

6 **(2) To provide aid to training programs approved by the Missouri Coroners' and
7 Medical Examiners' Association.**

8 **2. (1) There is hereby created in the state treasury the "Missouri State Coroners'
9 Training Fund", which shall consist of moneys collected under subsection 1 of this section.
10 The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
11 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund
12 and, upon appropriation, moneys in the fund shall be used solely for the administration of
13 subsection 1 of this section.**

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

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

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

193.145. 1. A certificate of death for each death which occurs in this state shall be filed
2 with the local registrar, or as otherwise directed by the state registrar, within five days after death
3 and shall be registered if such certificate has been completed and filed pursuant to this section.
4 All data providers in the death registration process, including, but not limited to, the state

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

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

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

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

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

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

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

45 5. The medical certification shall be completed, attested to its accuracy either by
46 signature or an electronic process approved by the department, and returned to the funeral
47 director or person in charge of final disposition within seventy-two hours after death by the
48 physician, physician assistant, assistant physician, **or** advanced practice registered nurse in
49 charge of the patient's care for the illness or condition which resulted in death. In the absence
50 of the physician, physician assistant, assistant physician, advanced practice registered nurse or
51 with the physician's, physician assistant's, assistant physician's, or advanced practice registered
52 nurse's approval the certificate may be completed and attested to its accuracy either by signature
53 or an approved electronic process by the physician's associate physician, the chief medical officer
54 of the institution in which death occurred, or the physician who performed an autopsy upon the
55 decedent, provided such individual has access to the medical history of the case, views the
56 deceased at or after death and death is due to natural causes. The person authorized to complete
57 the medical certification may, in writing, designate any other person to enter the medical
58 certification information into the electronic death registration system if the person authorized to
59 complete the medical certificate has physically or by electronic process signed a statement stating
60 the cause of death. Any persons completing the medical certification or entering data into the
61 electronic death registration system shall be immune from civil liability for such certification
62 completion, data entry, or determination of the cause of death, absent gross negligence or willful
63 misconduct. The state registrar may approve alternate methods of obtaining and processing the
64 medical certification and filing the death certificate. The Social Security number of any
65 individual who has died shall be placed in the records relating to the death and recorded on the
66 death certificate.

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

76 accuracy of the certificate of death either by signature or an approved electronic process within
77 thirty-six hours.

78 7. If the circumstances suggest that the death was caused by other than natural causes,
79 the medical examiner or coroner shall determine the cause of death and shall [~~complete and attest~~
80 ~~to the accuracy~~], either by signature or an approved electronic process, **complete and attest to**
81 **the accuracy of** the medical certification within seventy-two hours after taking charge of the
82 case.

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

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

95 10. (1) The department of health and senior services shall notify all physicians,
96 physician assistants, assistant physicians, and advanced practice registered nurses licensed under
97 chapters 334 and 335 of the requirements regarding the use of the electronic vital records system
98 provided for in this section.

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

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

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