

FIRST REGULAR SESSION

SENATE BILL NO. 517

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

Read 1st time February 25, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2347S.011

AN ACT

To repeal sections 193.015 and 193.145, RSMo, and to enact in lieu thereof two new sections relating to physician assistants in the death certification process.

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Section A. Sections 193.015 and 193.145, RSMo, are repealed and two new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) "Dead body", a human body or such parts of such human body from the
4 condition of which it reasonably may be concluded that death recently occurred;

5 (2) "Department", the department of health and senior services;

6 (3) "Final disposition", the burial, interment, cremation, removal from the
7 state, or other authorized disposition of a dead body or fetus;

8 (4) "Institution", any establishment, public or private, which provides
9 inpatient or outpatient medical, surgical, or diagnostic care or treatment or
10 nursing, custodian, or domiciliary care, or to which persons are committed by law;

11 (5) "Live birth", the complete expulsion or extraction from its mother of
12 a child, irrespective of the duration of pregnancy, which after such expulsion or
13 extraction, breathes or shows any other evidence of life such as beating of the
14 heart, pulsation of the umbilical cord, or definite movement of voluntary muscles,
15 whether or not the umbilical cord has been cut or the placenta is attached;

16 (6) "Physician", a person authorized or licensed to practice medicine or
17 osteopathy pursuant to chapter 334;

18 (7) **"Physician assistant", a person licensed to practice as a**

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

19 **physician assistant pursuant to chapter 334;**

20 (8) "Spontaneous fetal death", a noninduced death prior to the complete
21 expulsion or extraction from its mother of a fetus, irrespective of the duration of
22 pregnancy; the death is indicated by the fact that after such expulsion or
23 extraction the fetus does not breathe or show any other evidence of life such as
24 beating of the heart, pulsation of the umbilical cord, or definite movement of
25 voluntary muscles;

26 [(8)] (9) "State registrar", state registrar of vital statistics of the state of
27 Missouri;

28 [(9)] (10) "System of vital statistics", the registration, collection,
29 preservation, amendment and certification of vital records; the collection of other
30 reports required by sections 193.005 to 193.325 and section 194.060; and
31 activities related thereto including the tabulation, analysis and publication of
32 vital statistics;

33 [(10)] (11) "Vital records", certificates or reports of birth, death,
34 marriage, dissolution of marriage and data related thereto;

35 [(11)] (12) "Vital statistics", the data derived from certificates and
36 reports of birth, death, spontaneous fetal death, marriage, dissolution of marriage
37 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**, and the chief medical
9 officers of licensed health care facilities, and other public or private institutions
10 providing medical care, treatment, or confinement to persons, shall be required
11 to use and utilize any electronic death registration system required and adopted
12 under subsection 1 of section 193.265 within six months of the system being
13 certified by the director of the department of health and senior services, or the
14 director's designee, to be operational and available to all data providers in the
15 death registration process. However, should the person or entity that certifies the
16 cause of death not be part of, or does not use, the electronic death registration
17 system, the funeral director or person acting as such may enter the required

18 personal data into the electronic death registration system and then complete the
19 filing by presenting the signed cause of death certification to the local registrar,
20 in which case the local registrar shall issue death certificates as set out in
21 subsection 2 of section 193.265. Nothing in this section shall prevent the state
22 registrar from adopting pilot programs or voluntary electronic death registration
23 programs until such time as the system can be certified; however, no such pilot
24 or voluntary electronic death registration program shall prevent the filing of a
25 death certificate with the local registrar or the ability to obtain certified copies
26 of death certificates under subsection 2 of section 193.265 until six months after
27 such certification that the system is operational.

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

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

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

44 (1) The personal data from the next of kin or the best qualified person or
45 source available; and

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

48 5. The medical certification shall be completed, attested to its accuracy
49 either by signature or an electronic process approved by the department, and
50 returned to the funeral director or person in charge of final disposition within
51 seventy-two hours after death by the physician **or physician assistant** in
52 charge of the patient's care for the illness or condition which resulted in death.
53 In the absence of the physician **or physician assistant** or with the [physician's]

54 **physician or physician assistant's** approval the certificate may be completed
55 and attested to its accuracy either by signature or an approved electronic process
56 by the physician's associate physician, the chief medical officer of the institution
57 in which death occurred, or the physician who performed an autopsy upon the
58 decedent, provided such individual has access to the medical history of the case,
59 views the deceased at or after death and death is due to natural causes. The
60 state registrar may approve alternate methods of obtaining and processing the
61 medical certification and filing the death certificate. The Social Security number
62 of any individual who has died shall be placed in the records relating to the death
63 and recorded on the death certificate.

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

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

80 8. If the cause of death cannot be determined within seventy-two hours
81 after death, the attending medical examiner or coroner [or], attending physician
82 **or physician assistant**, or local registrar shall give the funeral director, or
83 person in charge of final disposition of the dead body, notice of the reason for the
84 delay, and final disposition of the body shall not be made until authorized by the
85 medical examiner or coroner, attending physician **or physician assistant**, or
86 local registrar.

87 9. When a death is presumed to have occurred within this state but the
88 body cannot be located, a death certificate may be prepared by the state registrar
89 upon receipt of an order of a court of competent jurisdiction which shall include

90 the finding of facts required to complete the death certificate. Such a death
91 certificate shall be marked "Presumptive", show on its face the date of
92 registration, and identify the court and the date of decree.

✓

Unofficial

Bill

Copy