

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1435, Page 8, Section 58.451, Line 110,
2 by inserting after said line the following:

3
4 "14. If a coroner or a person employed by a coroner determines that an organ or tissue shall
5 be retained after an autopsy for further examination or testing, the coroner shall contact the
6 deceased's family to inform them of the retainment and what will happen to the organ or tissue once
7 the examination or testing is complete."; and

8
9 Further amend said bill, Page 10, Section 58.720, Line 87, by inserting after said section and line the
10 following:

11
12 "58.775. For the purpose of sections 58.775 to [58.785] 58.790, the definitions in section
13 194.210 are applicable.

14 58.790. 1. Any person who is a representative of a procurement organization who accepts
15 an anatomical gift on behalf of the organization or is otherwise involved in an autopsy and conducts
16 business within the state of Missouri shall register with the division of professional registration.

17 2. A person who registers with the division shall complete a form that the division shall
18 require. The form shall include an affidavit or declaration that the information provided by the
19 person is true and correct to the best of the person's knowledge.

20 3. The division may charge a fee that shall not substantially exceed the costs necessary for
21 registration.

22 4. The division shall require that a person renew his or her registration every two years. A
23 registration that is not renewed within three months after the renewal due date shall be automatically
24 suspended, subject to the person having the right to have the suspended registration reinstated within
25 nine months of the suspension date if the person applies for reinstatement within those nine months.
26 Any registration that is suspended and not reinstated within nine months of the suspension date shall
27 expire and be rendered void, and the person shall not conduct business in this state. Any person
28 whose registration has expired may apply to be re-registered under the person's original registration
29 number.

30 5. The division may refuse to issue any registration required under this section, or refuse to
31 renew or reinstate any such registration, for any of the reasons stated in subsection 6 of this section.
32 The division shall notify the person in writing of the reason for the refusal and shall advise the
33 person of his or her right to file a complaint with the administrative hearing commission as provided
34 under chapter 621.

35 6. The division may file a complaint with the administrative hearing commission as
36 provided under chapter 621 against any holder of a registration required under this section or any

Action Taken _____ Date _____

1 person who fails to renew or surrenders his or her registration for any one or combination of the
 2 following reasons:

3 (1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
 4 nolo contendere, in a criminal prosecution under the laws of this state, any other state, or the United
 5 States for any offense reasonably related to the qualifications, functions, or duties of the profession;
 6 for any offense of which an essential element is fraud, dishonesty, or an act of violence; or for a
 7 felony, regardless of whether a sentence is imposed;

8 (2) Use of fraud, deception, misrepresentation, or bribery in securing any registration issued
 9 under this section;

10 (3) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by
 11 fraud, deception, or misrepresentation;

12 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in
 13 the performance of the functions or duties of the profession;

14 (5) Violation of, or assisting or enabling any person to violate, any lawful rule or regulation
 15 adopted by the division;

16 (6) Impersonation of any person holding a registration or allowing any other person to use
 17 the person's registration or diploma from any school;

18 (7) Disciplinary action against the holder of a registration to perform the profession that is
 19 granted by another state, territory, federal agency, or country upon grounds for which revocation or
 20 suspension is authorized in this state;

21 (8) The person is finally adjudged insane or incompetent by a court of competent
 22 jurisdiction;

23 (9) Issuance of a registration based upon a material mistake of fact; or

24 (10) Use of any advertisement or solicitation that is false, misleading, or deceptive to the
 25 general public or persons to whom the advertisement or solicitation is primarily directed, as it
 26 relates to the person's profession.

27 7. After the filing of a complaint under subsection 6 of this section, the proceedings shall be
 28 conducted in accordance with the provisions of chapter 536 and chapter 621. Upon a finding by the
 29 administrative hearing commission that the grounds for disciplinary action are met, as provided in
 30 subsection 6 of this section, the division shall censure or place the person named in the complaint on
 31 probation for a period not to exceed five years, suspend the person's registration for a period not to
 32 exceed three years, or revoke the person's registration.

33 8. Any person who violates the requirement of registration before August 28, 2022, shall be
 34 guilty of a class A misdemeanor.

35 9. The division may promulgate all necessary rules and regulations for the administration of
 36 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 37 under the authority delegated in this section shall become effective only if it complies with and is
 38 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
 39 chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to
 40 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
 41 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 42 August 28, 2020, shall be invalid and void."; and

43
 44 Further amend said bill, Page 16, Section 193.265, Line 69, by inserting after said section and line
 45 the following:

46
 47 "194.116. 1. Any person who performs an autopsy or assists in the performance of an
 48 autopsy shall register with the division of professional registration.

49 2. A person who registers with the division shall complete a form that the division shall

1 require. The form shall include an affidavit or declaration that the information provided by the
2 person is true and correct to the best of the person's knowledge.

3 3. The division may charge a fee that does not substantially exceed the costs necessary for
4 registration.

5 4. The division shall require that a person renew his or her registration every two years. A
6 registration that is not renewed within three months after the renewal due date shall be automatically
7 suspended, subject to the person having the right to have the suspended registration reinstated within
8 nine months of the suspension date if the person applies for reinstatement within those nine months.
9 Any registration that is suspended and not reinstated within nine months of the suspension date shall
10 expire, and the person shall not perform an autopsy or assist in the performance of an autopsy in this
11 state. Any person whose registration has expired may apply to be re-registered under the person's
12 original registration number.

13 5. The division may refuse to issue any registration required under this section, or refuse to
14 renew or reinstate any such registration, for any of the reasons stated in subsection 6 of this section.
15 The division shall notify the person in writing of the reasons for the refusal and shall advise the
16 person of his or her right to file a complaint with the administrative hearing commission as provided
17 under chapter 621.

18 6. The division may file a complaint with the administrative hearing commission as
19 provided under chapter 621 against any holder of a registration required under this section or any
20 person who has failed to renew or has surrendered the person's registration for any one or
21 combination of the following reasons:

22 (1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
23 nolo contendere, in a criminal prosecution under the laws of this state, any other state, or the United
24 States for any offense reasonably related to performing an autopsy or assisting with the performance
25 of an autopsy; for any offense of which an essential element is fraud, dishonesty, or an act of
26 violence; or for a felony, regardless of whether a sentence is imposed;

27 (2) Use of fraud, deception, misrepresentation, or bribery in securing any registration issued
28 under this section;

29 (3) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by
30 fraud, deception, or misrepresentation;

31 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in
32 performing an autopsy or assisting with the performance of an autopsy;

33 (5) Violation of, or assisting or enabling any person to violate, any lawful rule or regulation
34 adopted by the division;

35 (6) Impersonation of any person holding a registration or allowing any other person to use
36 the person's registration or diploma from any school;

37 (7) Disciplinary action against the holder of a registration to perform or assist with the
38 performance of an autopsy that is granted by another state, territory, federal agency, or country upon
39 grounds for which revocation or suspension is authorized in this state;

40 (8) The person is finally adjudged insane or incompetent by a court of competent
41 jurisdiction;

42 (9) Issuance of a registration based upon a material mistake of fact; or

43 (10) Use of any advertisement or solicitation which is false, misleading, or deceptive to the
44 general public or persons to whom the advertisement or solicitation is primarily directed, as it
45 relates to performing or assisting with the performance of an autopsy.

46 7. After the filing of a complaint under subsection 6 of this section, the proceedings shall be
47 conducted in accordance with the provisions of chapter 536 and chapter 621. Upon a finding by the
48 administrative hearing commission that the grounds for disciplinary action are met, as provided in
49 subsection 6 of this section, the division shall censure or place the person named in the complaint on

1 probation for a period not to exceed five years, suspend the person's registration for a period not to
2 exceed three years, or revoke the person's registration.

3 8. Any person who violates the requirement of registration after August 28, 2022, shall be
4 guilty of a class A misdemeanor.

5 9. The division may promulgate all necessary rules and regulations for the administration of
6 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
7 under the authority delegated in this section shall become effective only if it complies with and is
8 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
9 chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to
10 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
11 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
12 August 28, 2020, shall be invalid and void."; and

13
14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.