

HCS HB 1435 -- THE DECEASED

SPONSOR: Houx

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 17 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 7 to 0.

The following is a summary of the House Committee Substitute for HB 1435.

This bill establishes the "Coroner Standards and Training Commission", the provisions of which shall be known as the "Jayke Minor Act" and which shall establish training standards relating to the operation, responsibilities, and technical skills of the office of county coroner. The membership of the Commission is specified in the bill. The Commission shall establish training standards relating to the office of county coroner and shall issue a report to the General Assembly on such standards.

Currently, \$1,000 of a county coroner's salary shall only be payable if he or she completes at least 20 hours of classroom instruction each year relating to the operations of the coroner's office when approved by a professional association of county coroners of Missouri. This bill provides that the Coroner Standards and Training Commission shall establish such training programs. Upon complete of such training, the Missouri Coroners' and Medical Examiners' Association shall submit the coroner's name to the county treasurer and Department of Health and Senior Services indicating his or her compliance.

This bill creates the "Missouri State Coroners' Training Fund". For any death certificate issued, there shall be a fee of \$1 deposited into the fund, which shall be used by the Missouri Coroners' and Medical Examiners' Association for the purpose of in-state training, equipment, and necessary supplies, and to provide aid to training programs approved by the commission. This fee shall be imposed and collected in addition to all other fees already being imposed and collected on the issuance of death certificates, resulting in the current total fee of \$13 being increased to \$14. Also, during states of emergency or disasters, local registrars may request reimbursement from the fund for copies of death certificates issued to individuals who are unable to afford the associated fees (Sections 58.035, 58.095, 58.208, RSMo).

The bill specified that, when a death occurs under the care of a hospice, no investigation shall be required if the death is

certified by the treating physician of the deceased or the medical director of the hospice as a natural death due to disease or diagnosed illness. The hospice must give written notice to the coroner or medical examiner within 24 hours of the death (Sections 58.451 and 58.720).

The bill specifies that if a coroner is not current on his or her training, the department may prohibit that coroner from signing any death certificates. In the event a coroner is unable to sign a death certificate, the county sheriff will appoint a medical professional to attest death certificates until the coroner can resume signing them or until another coroner is appointed or elected (Section 193.145).

Currently, the medical certification from a medical provider is entered into the electronic death registration system. This bill requires an attestation from the medical provider who completed the medical certification to be entered into the system as well.

Additionally, if the State Registrar determines that information on a document or record 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.

The bill 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 bill repeals an outdated 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 submit a report on findings to the General Assembly by January 1, 2016 (Sections 193.145 and 193.265).

Currently, statute specifies the next-of-kin, in the order of priority who has the right to control the disposition of a dead body. This bill 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.

This bill specifies that 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 (Section 194.119).

This bill modifies the law regarding the confidentiality of records made and maintained by entities under the child fatality review panel statutes. Currently, all meetings, reports, and records are required to be confidential and not open to the public. This bill specifies that all meetings and work product shall be confidential, while the state technical assistance team shall make non-identifiable aggregate data on child fatalities public and the Director of the Department of Social Services shall have the discretion to release identifiable data. The state technical assistance team shall make an annual report on child fatalities that shall include a summary on the county level of compliance with the child fatality review panel statutes.

This bill is similar to HB 447 (2019).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that coroner training is necessary because there are people who still have unanswered questions about why their loved ones died and that is based on sloppy coroner work and they believe improving training for coroners will help. Additionally, supporters believe that investigations when someone dies in hospice care should only be necessary if there are unusual circumstances surrounding the death so that they do not have to wait for several hours for a coroner to arrive. This bill also makes it easier for doctors and hospitals to file death certificates electronically and it clears up issues with the right of sepulcher.

Testifying for the bill were Representative Houx; Leslie Jay Minor; Missouri Hospice And Palliative Care Association; Missouri Funeral Directors Association; Willie Harlow, Missouri Coroners and Medical Examiners Association; J. Scott Lindley, Lindley Funeral Home.

OPPOSERS: There was no opposition voiced to the committee.