

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1456-05
Bill No.: Truly Agreed To and Finally Passed SCS for HCS for HB 618
Subject: Funerals and Funeral Directors; Cemeteries; Liability; Health Care Professionals;
 Vital Statistics; Nurses; Physicians
Type: Original
Date: June 2, 2015

Bill Summary: This proposal modifies provisions of law regarding the disposition of deceased human remains and the electronic vital records system.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(\$106,992)	\$0	\$0
Total Estimated Net Effect on General Revenue	(\$106,992)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§193.145

Officials from the **Department of Health and Senior Services (DHSS)** state §193.145.1 would allow physician assistants, assistant physicians and advanced practice registered nurses to certify to the cause and manner on a death certificate. It will require modifications to the Missouri Certificate of Death form. The forms will have to be printed at a cost of \$3,500 (\$0.035 each X 100,000 copies). This is a one-time cost for FY16 to revise forms and print a supply.

§§193.145.4 and 193.145.5 would allow additional users to enter the manner and cause of death information on behalf of the medical certifier. This will result in modifications to the user roles and edits in the electronic death registration system. The modifications would be done by the Office of Administration's Information and Technology Services Division and is estimated to require 1,157.76 hours of IT contract consultants at \$75 per hour. FY 2016 costs to the General Revenue Fund are estimated to be \$86,832.

§193.145.10(1) requires DHSS to notify all physicians, physician assistants, assistant physicians and advanced practice registered nurses licensed under Chapters 334 and 335, RSMo, of the requirements regarding the use of the electronic vital records system. There are approximately 34,000 licensees (physicians, physician assistants and advance practice registered nurses) that will be notified by US postal mail. Approximately \$16,660 would be needed for printing and mailing these notifications (34,000 letters X \$0.49 /printing and mailing costs per envelope).

Bill as a whole

Officials from the **Department of Insurance, Financial Institutions and Professional Registration**, the **Office of the State Courts Administrator** and the **Department of Public Safety's Missouri Highway Patrol** each assume no fiscal impact to their respective agencies from this proposal.

In response to a previous version, officials at the **Cole County Sheriff's Department** and the **Boone County Sheriff's Department** each assumed no fiscal impact to their respective agencies from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
GENERAL REVENUE FUND			
<u>Costs - DHSS - printing costs</u> (§193.145)	(\$3,500)	\$0	\$0
<u>Costs - DHSS - Contract IT costs</u> (§193.145)	(\$86,832)	\$0	\$0
<u>Costs - DHSS - notification of licenses of requirements using electronic vital records system</u> (§193.145)	<u>(\$16,660)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$106,992)</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

This proposal may result in a positive administrative impact on small business health care facilities if advanced practice registered nurses, assistant physicians and physician assistants take over some of the duties related to death certificates that normally have to be completed by physicians.

FISCAL DESCRIPTION

This bill authorizes advanced practice registered nurses, assistant physicians, and physician assistants who have entered into a collaborative practice arrangement to perform specified phases of the death certification process, including data provision, certification of death, and authorization for the final disposition of the decedent's body. The funeral director or person in charge of final disposition of the body must enter into the electronic death registration system personal data from the next-of-kin, medical certification if so designated by the person responsible for the certification, and any other information or data that may be required. The person authorized to complete the medical certification may, in writing, designate any other person to enter the medical certification information into the electronic death registration system if the authorized person has signed a statement stating the cause of death. Any person completing the medical certification or entering data into the electronic death registration system must be immune from civil liability for the certification completion, data entry, or determination of the cause of death unless the person acts with gross negligence or willful misconduct.

The bill specifies that the Department of Health and Senior Services must notify all physicians, physician assistants, assistant physicians, and advanced practice registered nurses of the requirements regarding the use of the electronic vital records system. By August 30, 2015, the Division of Community and Public Health within the department must establish a working group to evaluate the electronic vital records system, develop recommendations to improve the efficiency and usability of the system, and report the findings and recommendations to the General Assembly by January 1, 2016.

The bill specifies that if a funeral director has knowledge that there is more than one person in a class who has equal priority to choose and control the final disposition of a dead human body and who does not agree on the disposition, the decision of the majority of the people with equal priority must control the disposition. The funeral director must allow voting by proxy using a written authorization or instrument.

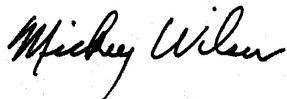
The bill specifies that a person or association that owns a cemetery is authorized to disinter an individual's remains and rebury or reinter the remains at another location pursuant to written instructions signed and acknowledged by a person who is the next-of-kin, as defined in statutes, at the time of death. If the next-of-kin at the time of death is no longer living, a majority of specified members of the deceased person's family may authorize the disinterment. Currently, a cemetery owner is not liable to the deceased person's family or to any third party for a disinterment, relocation, or delivery of deceased human remains made pursuant to specified provisions. The bill specifies that the cemetery operator, funeral director, funeral establishment, or any other person or entity involved in the process must also not be liable.

FISCAL DESCRIPTION (continued)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Public Safety
Missouri Highway Patrol
Cole County Sheriff's Department
Department of Insurance, Financial Institutions and Professional Registration
Department of Health and Senior Services
Boone County Sheriff's Department



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June 2, 2015

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June 2, 2015