

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0306S.02I
 Bill No.: SB 291
 Subject: Domestic Relations; Funerals and Funeral Directors; Marriage and Divorce;
 Estates, Wills, and Trusts; Health and Senior Services, Department of; Vital
 Statistics
 Type: Original
 Date: February 8, 2021

Bill Summary: This proposal modifies provisions relating to the right of sepulcher and the death registration process.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|--|--------------------|--------------------|--------------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| General Revenue | (\$275,241) | (\$226,517) | (\$228,599) |
| Total Estimated Net Effect on General Revenue | (\$275,241) | (\$226,517) | (\$228,599) |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| General Revenue | 4 FTE | 4 FTE | 4 FTE |
| Total Estimated Net Effect on FTE | 4 FTE | 4 FTE | 4 FTE |

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act.

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| | | | |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

§§193.065, 193.145, 193.265, and 194.119 - Final Disposition of Remains

Officials from the **Department of Health and Senior Services (DHSS)** state the Missouri Electronic Vital Records (MoEVR) system, used to register death certificates, is not designed to allow medical certification and attestation or embalmer certification exemption by funeral directors or any other person in charge of final disposition of the dead body.

In addition to having to update the current system to be able to allow funeral directors, or any other person in charge of final disposition of the dead body the ability, or a person designated by the medical certifier to enter and attest to medical information, and to allow for embalmer certification exemption to be completed by funeral directors, processes would need to be developed to stop the current automatic registration of death records and create a new system ability for funeral directors to upload documents to the state to allow time to review and verify the medical and embalmer information being submitted in the MoEVR system prior to registration.

To change the system to allow attestation of medical information and the embalmer certification exemption, as proposed in Section 193.145, would incur a fiscal impact to the state both in direct technological system costs and also in additional FTEs.

The program estimates that four (4) additional Administrative Support Assistants (ASA, \$29,448 annually, each) would be required to take on a new oversight role in manually reviewing death registrations. The number of FTEs required is generated from the assumption that 35% (or 23,286 records) of all death records registered in the State of Missouri would utilize the proposed attestation process. The new process would be more complex, would result in more partial paper death records than the current 15.8% (or 10,523) partial paper death records each year, and would require more advanced manual review of records that are currently automated in the MoEVR system. Each ASA is estimated to match, review, troubleshoot, and process 25 death records sent to the Bureau of Vital Records through attestation per working day. At 260 working days, an ASA could process 6,500 death certificates per calendar year. In order to timely process all estimated 23,286 death records coming through attestation, 4 FTEs would be required with a combined processing capacity of 26,000 death certificates (assuming no vacancies, sick or annual leave, and working at full capacity).

Oversight contacted DHSS regarding this proposal. Currently death certificates are partially filled out by funeral home directors/morticians but **the cause of death must be filled out by the physician**. This proposal would change this requirement. DHSS does not believe it can simply allow embalmers/funeral directors to attest (fill out and sign) the cause of death without a manual stop-gap measure in the system to verify the cause of death as reported by embalmers because

this information is essential for health records, insurance claims, etc. It is important, from a legal standpoint, that the information is accurate. Therefore, DHSS believes they must implement a manual review for death certificates not signed by physicians. **Oversight**, will, for fiscal note purposes, present DHSS' proposed costs for 4 FTE.

Officials from the **Office of Administration, Information Technology Services Division (ITSD)/DHSS** state the system is currently set up to only allow physicians, medical examiners, or coroners the ability to certify the medical portion of the death certificate; specifically being able to certify the cause of death. The proposed legislation would require the MoEVR system be modified to allow a person designated by the physician, medical examiner, or coroner to obtain or verify and enter into the system the medical certification information and attestation of that information for a death certificate.

ITSD states the consultant rate of \$95 per hour is an estimated rate based on current contract(s) pricing. It is assumed that any new IT project/system will be bid out, as all ITSD resources are at full capacity. It is estimated the proposal will require 91.8 consultant hours at a cost of \$54,293 to the General Revenue Fund in FY 2022.

Oversight does not have any information to the contrary and will reflect ITSD's estimated costs to the General Revenue Fund for FY 2022.

Officials from the **Columbia/Boone County Department of Public Health and Human Services (DPHHS)** state the changes in Section 193.265.4 would have a fiscal cost. This new language would require the DPHHS to do follow-up on death certificates that the state determines are incomplete. This would involve staff contacting the appropriate people and presumably, would be responsible for tracking that the information is provided. Then staff would provide the certificate back to the state. Fiscal impact is not expected to be to be large, but it would be unknown since there is no way to determine how many certificates may be returned.

Oversight assumes any fiscal impact incurred by county health departments would not be significant and could be absorbed within current staffing and funding levels.

Officials from the **Department of Commerce and Insurance**, the **Office of the State Courts Administrator**, the **Newton County Health Department** and the **St. Louis County Health Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other local public health agencies were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

| <u>FISCAL IMPACT – State Government</u> | FY 2022 (10 Mo.) | FY 2023 | FY 2024 |
|---|---------------------------|---------------------------|---------------------------|
| GENERAL REVENUE FUND | | | |
| <u>Costs – DHSS</u> (§§193.065, 193.145, 193.265, and 194.119) | | | |
| Personal service | (\$98,160) | (\$118,970) | (\$120,160) |
| Fringe benefits | (\$72,929) | (\$87,912) | (\$88,314) |
| Equipment and expense | (\$49,859) | (\$19,635) | (\$20,125) |
| <u>Total Costs - DHSS</u> | <u>(\$220,948)</u> | <u>(\$226,517)</u> | <u>(\$228,599)</u> |
| FTE Change – DHSS | 4 FTE | 4 FTE | 4 FTE |
| <u>Costs – OA, ITSD</u> (§193.145) – MoEVR system upgrades | <u>(\$54,293)</u> | <u>\$0</u> | <u>\$0</u> |
| ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND | <u>(\$275,241)</u> | <u>(\$226,517)</u> | <u>(\$228,599)</u> |
| Estimated Net FTE Change on the General Revenue Fund | 4 FTE | 4 FTE | 4 FTE |

| <u>FISCAL IMPACT – Local Government</u> | FY 2022 (10 Mo.) | FY 2023 | FY 2024 |
|---|---------------------|------------|------------|
| | | | |
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act modifies provisions regarding the death registration process and the right of sepulcher.

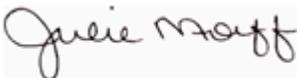
Under current law, the medical certification from a medical provider is entered into the electronic death registration system. This act requires an attestation from the medical provider who completed the medical certification to be entered into the system as well. The embalmer shall not be required to sign or certify a death certificate if the death certificate is filed by a licensed funeral director.

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

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

Department of Commerce and Insurance
Department of Health and Senior Services
Office of Administration – Information Technology Services Division/DHSS
Office of the State Courts Administrator
Columbia/Boone County Department of Public Health and Human Services
Newton County Health Department
St. Louis County Health Department



Julie Morff
Director
February 8, 2021



Ross Strobe
Assistant Director
February 8, 2021