

## **BILL ANALYSIS**

Senate Research Center

H.B. 2866  
By: Chavez (Harris)  
Health & Human Services  
5-16-97  
Committee Report (Amended)

### **DIGEST**

Currently, the Texas Department of Health (TDH) registers and certifies deaths for the state through the Bureau of Vital Statistics. According to TDH, certain basic statutory changes are needed. Though actual statistics are not kept, TDH receives an average of 10 to 20 complaints a week involving problems with delays stemming from conflicts between physicians and justices of the peace, who each believe the other is responsible for signing death certificates, or certifier's delays in filings. Additionally, the lack of a statutory definition for "death with medical attendance" leads to confusion and is problematic in situations involving contract emergency room physicians and physician practice groups in which no physician is responsible for the patient. This bill would establish new procedures for obtaining information for purposes of filing a death certificate and would provide guidelines for the registration of deaths that occur more than 10 days but less than one year before the date for registration.

### **PURPOSE**

As proposed, H.B. 2866 establishes new procedures for obtaining information for purposes of filing a death certificate and provides guidelines for the registration of deaths that occur more than 10 days but less than one year before the date of application for registration.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Department of Health in SECTION 2 (Section 193.005(i), Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 193.004(a) and (b), Health and Safety Code, to delete existing Subsection (a)(2), requiring the person required to file a death certificate to obtain, among other items, the required medical certification from the physician who was last in attendance on the decedent if the death occurred with medical attendance. Deletes existing Subsection (b)(2), requiring the person required to file a fetal death certificate to obtain, among other items, the required medical certification from the person in attendance at the fetal death if the death occurred with medical attendance. Makes conforming changes.

SECTION 2. Amends Section 193.005, Health and Safety Code, as follows:

Sec. 193.005. New heading: PERSONAL INFORMATION. (a) Requires a person required to file a death certificate or fetal death certificate to obtain the required medical certification from an attending physician if the death occurred under medical attendance for the care and treatment of the condition or disease process that contributed to the death.

(b) Requires the attending physician to complete the medical certification no later than five days after receiving the death certificate.

(c) Authorizes an associate physician, the chief medical officer of the institution where the death occurred, or the physician who performed an autopsy on the decedent to complete the medical certification under certain conditions.

(d) Requires the person required to file the death or fetal death certificate to notify the appropriate authority of a death if the death or fetal death occurs without medical attendance or is otherwise subject to Chapter 49, Code of Criminal Procedure.

(e) Requires a person conducting an inquest required by Chapter 49, Code of Criminal Procedure, to complete the medical certification no later than five days after receiving the death or fetal death certificate; and to state on the medical certification the disease that caused the death or, if the death was from external causes, the means of death and whether the death was probably accidental, suicidal, or homicidal, and any other information required by the state registrar to properly classify the death.

(f) Requires the person conducting the inquest to obtain and forward certain information to the Department of Public Safety if the identity of the decedent is unknown.

(g) Requires the person required to complete the medical certification, if the medical certification cannot be completed in a timely manner, to give the funeral director or the person acting as funeral director notice of the reason for the delay. Prohibits final disposition of the body from being made unless specifically authorized by the person responsible for completing the medical certification.

(h) Requires the person completing the medical certification to attest to its validity either by signature or by an electronic process approved by the state registrar.

(i) Requires the appropriate certifier, on receipt of autopsy results or other information that would change the information in the medical certification on the death certificate, to immediately report the change in a manner prescribed by the Texas Department of Health to amend the death certificate. Deletes existing Subsections (a)-(f).

SECTION 3. Amends Section 193.007, Health and Safety Code, to authorize a death that occurred more than 10 days but less than one year before the date of an application for registration of death to be recorded on a death certificate and submitted for filing with the local registrar of the registration district in which the death occurred. Requires a person, to file a record of a death that occurred in this state but was not registered within one year of the date of death, rather than in the period provided by Section 193.003, to submit a record of the death to the county probate court in the county in which the death occurred. Makes conforming changes.

SECTION 4. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 5. Emergency clause.

#### **SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

Page 2, lines 6 and 24, strikes "three" and replaces with "five".