

## BILL ANALYSIS

Senate Research Center  
78R1422 YDB-D

S.B. 62  
By: Zaffirini  
Health and Human Services  
4/2/2003  
As Filed

### DIGEST AND PURPOSE

Under current law when a person dies in a nursing home the coroner does not have to be notified. The person can be sent directly to a funeral home and then buried. The coroner is only notified if a family member or advocate knows to notify the coroner and request an autopsy. As proposed, S.B. 62 requires nursing homes to have each family member read a notice regarding coroner notification.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 242L, Health and Safety Code, by adding Sections 242.506 and 242.507, as follows:

Section 242.506. AUTOPSY REQUEST FORM. Authorizes the resident's next kin, or guardian, if an inquest is not required by law on the death of a convalescent or nursing home resident, to request certain actions regarding an autopsy.

- (b) Provides that the next of kin or guardian of a resident is responsible for any cost associated with a request under Subsection (a).
- (c) Prohibits the resident's body from being prepared for burial or disposition by cremation or another method by which tissue of the body is removed or destroyed until the resident's next of kin or guardian has signed the form required by Subsection (a).
- (d) Requires the institution, on admittance of a resident, to provide a written statement of rights provided by this section to the resident's next of kin or guardian. Requires the institution, on the death of a resident, to provide a copy of an autopsy request form to the resident's next of kin or guardian.

Section 242.507. DEVELOPMENT OF AUTOPSY REQUEST FORM AND STATEMENT OF RIGHTS. Requires the Texas Department on Aging (TDA) to develop and provide to institutions the autopsy request form required by Section 242.506 (a) and the written statement of right required by Section 242. 506 (d). Requires TDA, while developing the request form and statement of rights, to solicit input from the institutions, the department, and other interested persons. Provides that an institution is responsible for the printing expense of the request form and statement.

SECTION 2. Amends the heading to Subchapter L, Chapter 242, Health and Safety Code, to read as follows:

Subchapter L. RIGHTS OF RESIDENTS AND NEXT OF KIN

SECTION 3. Requires TDA, by January 1, 2004, to develop and to provide institutions with the request form and written statement of rights required by Section 242.507, Health and Safety Code, as added by this Act. Provides that an institution is not required to comply with Section 242.506, Health and Safety Code, as added by this Act, before January 1, 2004.

SECTION 4. Effective date: September 1, 2003.