

BILL ANALYSIS

Senate Research Center
80R12463 MCK-F

H.B. 755
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, there is a strict 10-day deadline for the filing of a death certificate. A delay in the filing of a death certificate is often caused by the inability of the funeral director to immediately obtain the necessary information from a knowledgeable survivor or the physician of the deceased. This leads to the funeral director failing to satisfy the time requirement for filing a death certificate that is strictly enforced by the Texas Funeral Service Commission against its licensees, even if the delay is not the fault of the funeral director.

H.B. 755 prevents disciplinary action from being taken against a person for failing to timely file a death certificate if the person supplies written documentation that the person has made a good faith effort to file the certificate within the time required and that failure to timely file was a result of circumstances beyond the person's control.

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 193, Health and Safety Code, by adding Section 193.0041, as follows:

Sec. 193.0041. DISCIPLINARY ACTION PROHIBITED. Prohibits a state agency that licenses a person required to file a death certificate under this chapter (Death Records) from taking disciplinary action against the person for failure to timely file the certificate if the person supplies written documentation that the person has made a good faith effort to file the certificate within the time required by Section 193.003(a) (regarding time and place for filing death certificate) and the failure to timely file the certificate results from circumstances beyond the person's control.

SECTION 2. Effective date: September 1, 2007.