

BILL ANALYSIS

C.S.H.B. 1285
By: Rose
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that in certain cases a medical examiner should be able to delegate the authority to complete the medical certification for a person's death and sign the death certificate to the person's attending physician. C.S.H.B. 1285 seeks to provide this authority in certain counties.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1285 amends the Code of Criminal Procedure to authorize a medical examiner in a county with a population of more than one million who determines after conducting an inquest that a person's death is due to natural causes to delegate, with the consent of the applicable physician, the authority to complete the medical certification for the person's death and to sign the death certificate to the person's attending physician at the time of the person's death or another attending physician who treated the person during the 12 months preceding the person's death.

C.S.H.B. 1285 amends the Health and Safety Code to extend requirements regarding the completion of a medical certification of a deceased person to an attending physician to whom a medical examiner has delegated certification authority under the bill's provisions.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1285 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Article 49.25, Code of Criminal Procedure, is amended by adding Section 11a to read as follows:

Sec. 11a. CERTIFICATION OF DEATH BY ATTENDING PHYSICIAN. If after conducting an inquest, a medical examiner in a county with a population of more than one million determines that a person's death is due to natural causes, the medical examiner may delegate the authority to complete the medical certification for the person's death and to sign the death certificate to:

- (1) the person's attending physician at the time of the person's death; or
- (2) another attending physician who treated the person during the 12 months preceding the person's death.

SECTION 2. Section 193.005(e), Health and Safety Code, is amended.

SECTION 3. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Article 49.25, Code of Criminal Procedure, is amended by adding Section 11a to read as follows:

Sec. 11a. CERTIFICATION OF DEATH BY ATTENDING PHYSICIAN. If after conducting an inquest, a medical examiner in a county with a population of more than one million determines that a person's death is due to natural causes, the medical examiner may delegate, with the consent of the physician, the authority to complete the medical certification for the person's death and to sign the death certificate to:

- (1) the person's attending physician at the time of the person's death; or
- (2) another attending physician who treated the person during the 12 months preceding the person's death.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.