

- SUBJECT:** Prohibiting punishment for blameless persons filing a death certificate
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 8 ayes — Delisi, Laubenberg, Dawson, Jackson, McReynolds, Solis, Truitt, Zedler
- 0 nays
- 1 absent — Coleman
- WITNESSES:** For — Johnnie B. Rogers, Sr.; (*Registered, but did not testify*: Janis Carter, Texas Funeral Directors Association)
- Against — None
- On — Adrian Abrams, Office of Inspector General Vital Statistics Fraud; Geraldine R. Harris, Dept. of State Health Services
- BACKGROUND:** Health and Safety Code, secs. 193.002 and 193.003 provides that within 10 days after a death occurs, a death certificate must be filed with the local registrar of the registration district in which the death occurs or the body is found, if the place of death is not known.
- It is the responsibility of the funeral director, or the person in charge of interment or in charge of removal of a body from a registration district for disposition, to obtain, file, enter information, and sign the death certificate.
- The Texas Funeral Service Commission has the authority, under Occupations Code, sec. 651.501, to issue a reprimand or assess an administrative penalty for violations of this duty.
- DIGEST:** CSHB 929 would amend the Health and Safety Code to prohibit disciplinary action against a person required to file a death certificate if the person made a good faith effort to file the certificate within 10 days following the death and the delay in filing the death certificate was beyond the person's control.
- The bill would take effect September 1, 2005.

SUPPORTERS
SAY:

The current law stating that a funeral director must file a death certificate within 10 days of a death is outdated and sometimes next to impossible for funeral directors to comply with. Funeral directors must work with doctors who are busy and often do not return death certificates within the given time frame or who may make a mistake signing the certificate, in which case the process must start over.

As long as the funeral director does everything that person can to ensure that the death certificate is completed on time, the person should not be fined. Funeral directors deserve to be protected, and CSHB 929 would place formally in the Health and Safety Code that if the failure to file a death certificate on time was beyond a person's control and a good faith effort was established, there would be no penalty.

OPPONENTS
SAY:

This bill is unnecessary. The Texas Funeral Service Commission already has a policy allowing funeral directors to avoid fines and penalties if they can provide documented proof that they were not at fault for the delay in obtaining the completed death certificate. A fine often is a final penalty for funeral directors; most of the time, a letter of warning is issued for the late certificates under Occupations Code, sec. 651.503.

CSHB 929 does not define what good faith efforts or circumstances beyond the person's control are, nor does it attempt to solve the problem of tardy death certificates. If this bill were approved as is, no one would be held responsible for death certificates that were not filed within the 10 days. This deadline is important for families for estate purposes and insurance benefits, as well as for providing a safeguard against identity fraud.

NOTES:

The committee substitute differs from the original by adding the provision prohibiting disciplinary action for failure to file a timely death certificate. It eliminated a provision that would have given filers of death certificates an extended deadline for filing death certificates in some cases.