

- SUBJECT:** Requiring the electronic submission of death certificates
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 9 ayes — Delisi, Laubenberg, Jackson, Cohen, Coleman, Gonzales, S. King, Olivo, Truitt
0 nays
- WITNESSES:** For — None
Against — None
On — Karen Grice, Texas Funeral Directors Association; Geraldine Harris, Texas Department of State Health Services; Chet Robbins, Texas Funeral Service Commission; Charles Villasenor, Texas Funeral Directors
- BACKGROUND:** Health and Safety Code, sec. 193.002 sets requirements for reporting death certificates for funeral service providers and others in charge of interment or removal of a body for disposition. Such a person is required to obtain and file the death certificate or fetal death certificate, enter on the certificate information relating to disposition of the body, and sign the certificate.

Under sec. 193.005, a person required to file a death certificate must obtain medical certification from an attending physician if the death occurred in the course of providing care or treatment for a condition that contributed to the death. The attending physician, or another physician if the attending physician is unavailable, must complete the medical certification within five days of receiving the death certificate. The physician completing the medical certification must attest to its validity either by signature or by an electronic process approved by the state registrar.
- DIGEST:** CSHB 1739 would amend Health and Safety Code, sec. 193.002 to require a person responsible for interment or removal of a body to file the death certificate electronically in accordance with guidelines established by the state registrar. The physician who completed the medical certification under sec. 193.005 also would be required to submit the information electronically.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

CSHB 1739 would improve the efficiency and timeliness of reporting death certificates by requiring the use of an existing electronic death registration system. This system would facilitate communications and data sharing between funeral service providers, physicians, and the state agency responsible for processing vital statistics information.

CSHB 1739 would eliminate the need for funeral service providers to physically deliver death certificate documents to physicians for the purpose of gathering signatures and other information. Physicians could enter necessary information electronically after receiving notification through the electronic system that the death certificate had been filed.

Ensuring the electronic submission of death certificate information would greatly reduce the time between death and the issuance of a finalized death certificate. If all parties entered information electronically, the time required to issue a certificate could be reduced from the current average of 33 days to as few as 16 days. Reducing the death certificate issuance time would eliminate delays in estate settlements, access to accounts of the deceased, collection of insurance claims, and other postmortem legal proceedings. CSHB 1739 would ensure that death certificates were made available to families and executors as soon as possible.

The bill would represent a major improvement in records reporting practices to the vital statistics division. The Department of State Health Services (DSHS) recently implemented a computer program designed to track and query vital statistics. Entries into the database can be completed online at any time and from any location. Funeral service providers without computers onsite could use resources provided by libraries and other public institutions. DSHS has conducted numerous statewide training courses to facilitate the transition to the electronic system.

**OPPONENTS
SAY:**

HB 1739 would implement the same reporting burden on all funeral service providers irrespective of their size and resources. The bill would have a disproportionate impact on smaller funeral homes and service providers that did not have the necessary technological resources to comply. Small and part-time funeral homes in remote areas could have difficulty meeting the bill's electronic submission requirements. Many smaller homes process few death certificates and do not have the funds to purchase computers and Internet connections for electronic submission.

The bill would do nothing to help smaller service providers comply with the new provisions.

OTHER
OPPONENTS
SAY:

While the bill would introduce positive changes in reporting procedures associated with death certificates, it should provide for the implementation of electronic reporting requirements in phases. A phase-in provision would allow for continued computer training exercises and would reduce the burden of compliance on smaller funeral service providers. A hard compliance date would place undue strains on service providers unaccustomed to entering information electronically.

NOTES:

Unlike HB 1739 as introduced, the committee substitute would amend Health and Safety Code sec. 193.002 to require a person in charge of interment or removal of a body to file a death certificate electronically as specified by the state registrar.