

## BILL ANALYSIS

Senate Research Center  
78R11582 MCK-D

S.B. 1764  
By: Deuell  
Health & Human Services  
4/9/2003  
Committee Report (Amended)

### DIGEST AND PURPOSE

Currently, the Texas Department of Mental Health and Mental Retardation (TDMHMR) is not authorized to place certain information on grave markers in TDMHMR cemeteries. S.B. 1764 authorizes TDMHMR to place client names on grave markers in instances where clients die at state mental retardation or mental health facilities, and are buried at cemeteries operated at TDMHMR, unless the individual or the individual's guardian has directed otherwise in writing and that document has provided to TDMHMR.

### 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 Section 576.005, Health and Safety Code, as follows:

(a) Created from existing text.

(b) Authorizes the facility, in the event that a person dies while a patient at a mental health facility, to release to an employee or agent of a funeral home, cemetery or other appropriate person the name, date of birth and date of death of the patient for the purpose of including such information on the patient's grave marker, unless the patient or patient's guardian, if any, has provided to the facility administrator written instructions to the contrary.

SECTION 2. Amends Section 595.001, Health and Safety Code, to make a conforming and nonsubstantive change.

SECTION 3. Amends Section 595.005, Health and Safety Code, by adding Subsection (e) to authorize the facility, in the event that a person dies while a resident of a residential care facility, to disclose, without the consent required under Section 595.003, the resident's name, date of birth and date of death to an employee or agent of a funeral home, cemetery or other appropriate person for the purpose of including such information on the resident's grave marker, unless the resident or resident's guardian, if any, has provided to the facility superintendent written instructions to the contrary.

SECTION 4. Effective date: upon passage.

### LIST OF AMENDMENTS

#### COMMITTEE AMENDMENT NO. 1

Amends S.B. 1764 as follows:

- (1) Amend page 1, line 12, to strike "may" and substitute "shall".
- (2) Amend page 2, line 5, to strike "may" and substitute "shall".