

BILL ANALYSIS

H.B. 1424
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Chapter 49 of the Code of Criminal Procedure requires superintendents or general managers of health-care institutions, including nursing homes, extended-care facilities, and retirement homes, to notify the local justice of the peace if a person residing in that institution dies and there is not attending physician or that physician is not able to certify the cause of death. However, there is not a similar requirement that such notice be given to the attorney general, who investigates Medicaid fraud. As a consequence, evidence that may be relevant to a determination of possible Medicaid fraud could well be lost to state investigators. House Bill 1424 requires health-care institutions to report the death of individuals in it's care to the attorney general.

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

House Bill 1424 amends the Criminal Procedure and Penal codes relating to the reporting of deaths of certain individuals. The bill requires a superintendent or general manager of a health-care institution to notify the attorney general within 24 hours of the death of an individual under the care of the institution and to submit a report relating the facts of the death within 72 hours. Furthermore, a superintendent or general manager who neglects these duties commits a Class B misdemeanor offense. The bill also authorizes the attorney general to investigate deaths of individuals reported by an institution that receives payments under the medical assistance program.

EFFECTIVE DATE

September 1, 2003.