

By: Zaffirini

S.B. No. 62

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the next of kin's or guardian's right to request an  
3 autopsy on the death of a resident of a convalescent or nursing  
4 home.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter L, Chapter 242, Health and Safety  
7 Code, is amended by adding Sections 242.506 and 242.507 to read as  
8 follows:

9 Sec. 242.506. AUTOPSY REQUEST FORM. (a) If an inquest is  
10 not required by law, on the death of a resident, the resident's next  
11 of kin or guardian may, on a signed autopsy request form delivered  
12 to the institution:

13 (1) request that an autopsy be performed by a  
14 physician designated by law to conduct autopsies in the county  
15 where the institution is located;

16 (2) request that the designated physician for the  
17 county view the resident's body and sign the death certificate at  
18 the institution before the body is removed; or

19 (3) waive the right to request that the designated  
20 physician for the county act under Subdivision (1) or (2) and allow  
21 a physician designated by the institution to view the body and sign  
22 the death certificate.

23 (b) The next of kin or guardian of a resident is responsible  
24 for any costs associated with a request under Subsection (a)(1) or

1 (2).

2 (c) The resident's body may not be prepared for burial or  
3 disposition by cremation or another method by which tissue of the  
4 body is removed or destroyed until the resident's next of kin or  
5 guardian has signed the form required by Subsection (a).

6 (d) On admittance of a resident to an institution, the  
7 institution shall provide a written statement of the rights  
8 provided by this section to the resident's next of kin or guardian.  
9 On the death of a resident, the institution shall provide a copy of  
10 an autopsy request form to the resident's next of kin or guardian.

11 Sec. 242.507. DEVELOPMENT OF AUTOPSY REQUEST FORM AND  
12 STATEMENT OF RIGHTS. (a) The Texas Department on Aging shall  
13 develop and provide to institutions the autopsy request form  
14 required under Section 242.506(a) and the written statement of  
15 rights required under Section 242.506(d).

16 (b) In developing the request form and statement of rights,  
17 the Texas Department on Aging shall solicit input from  
18 institutions, the department, and other interested persons.

19 (c) An institution is responsible for the printing expense  
20 of the request form and statement.

21 SECTION 2. The heading to Subchapter L, Chapter 242, Health  
22 and Safety Code, is amended to read as follows:

23 SUBCHAPTER L. RIGHTS OF RESIDENTS AND NEXT OF KIN

24 SECTION 3. (a) The Texas Department on Aging shall develop  
25 and provide to the institutions the request form and written  
26 statement of rights required by Section 242.507, Health and Safety  
27 Code, as added by this Act, not later than January 1, 2004.

1           (b) An institution is not required to comply with Section  
2 242.506, Health and Safety Code, as added by this Act, before  
3 January 1, 2004.

4           SECTION 4. This Act takes effect September 1, 2003.