

BILL ANALYSIS

C.S.H.B. 929
By: Dutton
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many times, particularly in the more populated counties of Texas, the funeral director is unable to contact a knowledgeable survivor immediately, or the physician of the deceased. This causes a backlog of cases making it increasingly difficult for the funeral director to satisfy the 5-day time requirement, which the Texas Funeral Service Commission strictly enforces against its licensees. The funeral director, however, must still complete the certificate and get it filed within ten days of the subject death.

The substitute would prevent disciplinary action against a person for failing to timely file a death certificate if the person made a good faith effort to file the certificate within the time required and that failure to timely file was a result of circumstances beyond their control.

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

The substitute provides that a state agency that licenses a person required to file a death certificate under this chapter may not take disciplinary action against the person for failure to timely file the certificate if the person makes a good faith effort to file the certificate within the time required by current statute, and that the failure to timely file the certificate results from circumstances beyond the person's control.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by changing the caption of the original bill. The substitute modifies the original H.B.929 by deleting replacing SECTION 1 of the bill with a new SECTION 1 that relates to disciplinary actions. The substitute deletes SECTION 2 of the original bill and renumbers the bill accordingly.