

BILL ANALYSIS

Senate Research Center

S.B. 1469
By: Whitmire
Criminal Justice
4/16/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The 78th Legislature, Regular Session, 2003, amended the Code of Criminal Procedure to require institutions to report to the Medicaid fraud division of the Office of the Attorney General those deaths that state law requires to be reported either to a justice of the peace or to a medical examiner. The intent was to require nursing homes, extended care facilities, and retirement homes to report the deaths of residents required to be reported to a justice of the peace or medical examiner to monitor the use of Medicaid funds following a resident's death. Following the passage of such legislation, another interpretation determined that hospitals also were included in the definition of "institutions" and, therefore, required to report the deaths of their patients to the Medicaid fraud division of the Office of the Attorney General.

S.B. 1469 clarifies that hospitals are excluded from reporting to the Medicaid fraud division. However, hospitals must continue to report deaths of patients that state law requires to be reported either to a justice of the peace or a medical examiner.

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 Article 49.24, Code of Criminal Procedure, by adding Subsection (g), to provide that for the purposes of this article (Notification and Report of Death of Resident of Institution), the definition of "institution" excludes hospitals.

SECTION 2. Effective date: upon passage or September 1, 2005.