

BILL ANALYSIS

CSHB 1117
By: Brown, Betty
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Legitimate birth certificates provide vital information about the person whose name appears on the certificate. While originally intended for the sole purpose of birth registration, birth certificates are now used extensively for employment purposes and to obtain benefits or other documents used for identification.

Over the last 25 years, a number of studies have addressed problems related to false identification and the misuse of birth certificates. These studies conclude that false identification is a major factor in crime and that many federal fugitives and drug trafficking crimes are associated with false identification. They also conclude that stolen, counterfeit, and altered birth certificates are often used as “breeder documents” that allow the holder to obtain other documents needed to create new identities.

Currently, anyone in attendance at a birth may file the birth certificate attesting to the age of the child and the state in which the birth took place. CSHB 1117 aims to decrease opportunities for illegally obtaining birth certificates, by requiring a medical professional to file the birth certificate or to sign his or her name to a document attesting to the approximate age of the child.

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

CSHB 1117 defines a "health care practitioner" (practitioner) as an individual who holds a license, certificate, registration, title, permit, or other authorization that authorizes the individual to engage in a health care profession in this state.

CSHB 1117 amends provisions relating to birth certificates (certificate), in the Health and Safety Code, requiring a physician or other practitioner in attendance at a birth to be required to certify and file the certificate with the local registrar of the registration district in which the birth occurs, and deletes the reference to a midwife or person acting as a midwife. If a birth occurs in a hospital or birthing center, the hospital administrator, the birthing center administrator, or a designee of the appropriate administrator may file the certificate certified by the physician or other practitioner who was in attendance at the birth.

If a physician or practitioner is not in attendance at the birth, CSHB 1117 requires a person in attendance at the birth to file the certificate, and deletes "that if there is no physician, midwife, or person acting as a midwife." The local registrar of a registration district may not accept the certificate unless the person filing presents a sworn affidavit of a person in attendance at the birth stating that the child was born in Texas and a sworn affidavit of a physician, physician assistant, advanced practice nurse, or midwife attesting to the approximate age of the child. The Department of State Health Services may prescribe the form and contents of the required affidavits.

CSHB 1117 deletes language requiring that if the birth does not occur in a hospital or birthing center, the following in the listed order (1) the father or mother of the child, or (2) the owner or householder of the premises where the birth occurred, shall file the certificate.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 1117 amends the original bill by requiring the physician or practitioner to "certify" the filed certificate with the registration district. It adds "a physician," in addition to a health care practitioner, to the provision regarding their not being present at the birth, and amends the provision relating to who can attest to the approximate age of the child by adding a physician assistant, advanced practice nurse, or a midwife.

CSHB 1117 deletes the provision repealing Section 192.003(b), Health and Safety Code, and instead amends the provision providing that if a birth occurs in a hospital or birthing center, the hospital administrator, the birthing center administrator, or a designee of the appropriate administrator may file the certificate certified by the physician or other practitioner who was in attendance at the birth.

.