

SUBJECT: Reporting the deaths of certain individuals by healthcare facilities.

COMMITTEE: Criminal Jurisprudence —favorable, without amendment

VOTE: 6 ayes — Keel, Riddle, Denny, Escobar, Raymond, Reyna
0 nays
3 absent — Hodge, P. Moreno, Pena

SENATE VOTE: On final passage, May 3 — 31-0, on Local and Uncontested Calendar

WITNESSES: None

BACKGROUND: Code of Criminal Procedure, art. 49.04, requires the superintendent or general manager of a hospital or institution in which a person dies, if an attending physician cannot certify the cause of death, to report the death to the justice of the peace of the precinct where the hospital or institution is located. Institution means any place where health-care services are rendered, including a hospital, clinic, health facility, nursing home, extended-care facility, outpatient facility, fostercare facility, and retirement home.

In 2003, the 78th Legislature enacted SB 826 by Whitmire, which amended the Code to require health care institutions that must report the death of a resident to a justice of the peace, also to report the death to the Medicaid fraud division of the Office of the Attorney General. SB 826 was enacted to aid the attorney general in timely investigation and prosecution of Medicaid fraud, physical abuse, and/or neglect. Hospitals were included in the definition of institutions required to report these deaths.

DIGEST: SB 1469 would amend the Code of Criminal Procedure to exclude hospitals from the health care institutions required to report the death of a resident to the Office of the Attorney General (OAG).

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

Under current law, hospitals must report certain deaths to a justice of the peace or medical examiner. SB 1469 would correct the unintentional inclusion of hospitals in the 2003 legislation that now requires them also to report these deaths to the Medicaid fraud division of the OAG. It was not the intent of the 2003 Legislature to place the imposition of this reporting requirement on the hospitals because the purpose of the legislation was to control and monitor Medicaid fraud in extended care facilities, such as nursing and retirement homes. Hospitals still would have to report such deaths to a justice of the peace or medical examiner.

**OPPONENTS
SAY:**

No apparent opposition.