

BILL ANALYSIS

Senate Research Center

S.B. 785
By: Wentworth
State Affairs
3/8/1999
As Filed

DIGEST

Currently, Texas law does not define an "autopsy report" and includes photographs and x-rays taken during an autopsy in the autopsy report. The lack of an explicit definition leads to uncertainty regarding materials required to be included in an autopsy report, and it is reported that fees authorized to be charged for copies of the autopsy report are inadequate to cover costs. This bill would define an "autopsy report," clarify statutes relating to persons authorized to receive the report, limit public access to autopsy photographs and x-rays, and authorize the commissioners court to set fees for copies of the autopsy report, photographs, and x-rays.

PURPOSE

As proposed, S.B. 785 sets forth procedures and guidelines for the filing, release, and disclosure of autopsy reports.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 671B, Health and Safety Code, as follows:

SUBCHAPTER B. AUTOPSY REPORTS

Sec. 671.011. New heading: DEFINITION. Defines "autopsy report." Provides that an autopsy report does not include investigative reports or certain other documents.

Sec. 671.012. New heading: FILING AUTOPSY REPORT. Makes no changes.

Sec. 671.013. New heading: RELEASE OF REPORTS; FEES. Subjects an autopsy report to required public disclosure in accordance with Chapter 552, Government Code. Provides that a photograph or an x-ray of a body is excepted from disclosure under Chapter 552, but is subject to disclosure under a subpoena or other authority of the law. Requires an autopsy report containing certain required confidential information to be released to an authorized person in connection with workers' compensation or insurance claims. Authorizes a recipient of information under Subsection (c) to disclose confidential information only to the extent consistent with the authorized purposes for which the information was obtained. Requires the commissioners court of the county having custody of an autopsy report to charge a fee of no more than \$25 and no less than \$15, in addition to the actual costs of reproduction and overhead, for a copy of the autopsy report. Deletes a provision regarding a \$5 fee.

SECTION 2. Amends Section 11, Article 49.25, Code of Criminal Procedure, to provide that medical records kept by a medical examiner are subject to required public disclosure in accordance with Chapter 552, Government Code.

SECTION 3. Effective date: September 1, 1999.