



Physicians Caring for Texans

March 17, 2021

RE: HB 723, relating to a notice of a modification to the medical certification information on a death certificate.

Dear Chair Stephanie Klick and Representative Patterson,

My name is Debra Patt, MD. I am an oncologist in Austin and the chair of the Texas Medical Association's (TMA's) Council on Legislation. I write to you today representing TMA, an organization of more than 55,000 physician and medical student members.

Thank you for your keen attention to the important matter of death certificate amendments and "next of kin" notification. Certainly, the story that led to the need for this legislative discussion is heinous. TMA supports the intent of the author to ensure loved ones are notified if a death certificate is amended.

Our primary concern is the manner in which notification should occur and by whom. Most Texas physicians infrequently deal with death certificate requirements. Physicians may or may not have access to an immediate "next of kin" for a patient, whereas the Vital Statistics Section of the Texas Department of State Health Services (DSHS), as a state agency may have better access to this information. Funeral homes actually are the entities most often involved with the family of a decedent. Law enforcement also would be equipped to obtain the necessary contact information if a county medical examiner or Justice of the Peace is involved.

As you examine this legislation, other clarifications that would be helpful are these:

- define the term "next of kin"; the time frame for required notification;
- clarify if contact with "next of kin" may be performed electronically by including regular mail, electronic mail, and facsimile within the "written notice".
- limit section's applicability to an inquest pursuant to TCCP Ch 49.
- ensure if details are left to the Department's discretion that DSHS work through a stakeholder process for appropriate input and dialogue.

We thank you for your consideration of our comments. If you have any questions, please do not hesitate to contact Troy Alexander, Director, Legislative Affairs at [troy.alexander@texmed.org](mailto:troy.alexander@texmed.org) or (512) 871-9997.

Sincerely,

Debra Patt, MD  
Chair, Council on Legislation  
Texas Medical Association