

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of House Bill No. 2805

"AN ACT TO AUTHORIZE NURSES A TO PRONOUNCE DEATH A FOR RESIDENTS OF
LONG-TERM CARE FACILITIES."

Amendment No. 1 to House Bill No. 2805.

Amend House Bill No. 2805 as originally introduced:

Page 1, delete lines 15 through 19 and substitute the following:

"AN ACT TO AUTHORIZE NURSES TO PRONOUNCE DEATH FOR RESIDENTS OF LONG-TERM
CARE FACILITIES."

AND

Delete everything after the ENACTING clause and substitute the following:

"SECTION 1. Arkansas Code § 20-18-601(c)-(e), concerning preparation
and filing of death certificates, are amended to read as follows:

(c)(1) The medical certification shall be completed, signed, and
returned to the funeral director within two (2) business days after receipt
of the death certificate by the physician in charge of the patient's care for
the illness or condition which resulted in death, except when inquiry is
required by § 12-12-315, § 12-12-318, or § 14-15-301 et seq.

(2)(A) In the absence of the physician, or with his or her
approval, the certificate may be completed and signed by his or her associate
physician, the chief medical officer of the institution in which death
occurred, by the pathologist who performed an autopsy upon the decedent, or
by a registered nurse or an advanced practice nurse as provided in
~~subdivision (c)(2) of this section~~ this subdivision (c)(2), provided the
individual has access to the medical history of the case, views the deceased
at or after death, and death is due to natural causes.

(B) The person completing the cause-of-death section of
the certificate shall attest to its accuracy either by a signature or by
approved electronic process.

(3)(A) A registered nurse or an advanced practice nurse employed
~~by the attending hospice may complete and sign the medical certification of~~
~~death for a patient who is terminally ill, whose death is anticipated, who is~~
~~receiving services from a hospice program certified under § 20-7-117, and who~~
~~dies in a hospice inpatient program or as a hospice patient in a nursing home~~
may pronounce death and complete and sign the medical certification of death,
when:



(i) Death occurs:

(a) From natural causes; and

(b) In a hospital, a nursing facility, a hospice, or a private home served by a home health care provider or a hospice; and

(ii) The patient is under the care of a physician who is unable to be present within a reasonable period of time to certify the fact of death.

(B) The registered nurse or an advanced practice nurse may release the body to the funeral director after notifying the county coroner and the chief law enforcement officer in accordance with § 12-12-315, the family, and the attending physician and after certifying the fact of death and completing and signing the medical certification of death.

(C) The registered nurse or an advanced practice nurse shall document the clinical criteria for the determination and pronouncement of death in the patient's medical record.

(D) The hospital, nursing home, home health care provider, or hospice provider shall have adopted written policies and procedures that provide for the determination and pronouncement of death by a registered nurse or an advanced practice nurse.

(E) This subdivision (c)(3) does not authorize a registered nurse or an advanced practice nurse to determine the cause of death.

(F)(i) A registered nurse or an advanced practice nurse who determines death under this subdivision (c)(3) is not liable for civil damages and is not subject to criminal prosecution for his or her actions or the actions of others based on the determination of death.

(ii) A person who acts in good faith reliance of a registered nurse's determination of death or an advanced practice nurse's determination of death is not liable for civil damages or subject to criminal prosecution for the person's actions.

~~(4) If the hospice patient dies in the home, the registered nurse may make pronouncement of death. However, the county coroner and the chief law enforcement official of the county or municipality where death occurred shall be immediately notified in accordance with § 12-12-315.~~

~~(5)(4)(A) The Division of Health of the Department of Health and Human Services shall provide hospitals, nursing homes, and hospices with the appropriate death certificate forms which will be made available to the attending physicians, coroners, registered nurses, advanced practice nurses, or other certifiers of death.~~

(B) When death occurs outside these health facilities, the funeral home shall provide the death certificate to the certifier.

(d)(1) If the cause of death appears to be other than the illness or condition for which the deceased was being treated or if inquiry is required by either any of the laws referred to in subsection (c) of this section, the case shall be referred to the office of the State Medical Examiner or coroner in the jurisdiction where the death occurred or the body was found for investigation to determine and certify the cause of death.

(2) If the State Medical Examiner or county coroner determines that the case does not fall within his or her jurisdiction, he or she shall within twenty-four (24) hours refer the case back to the physician for completion of the medical certification.

(e) When inquiry is required by ~~either~~ any of the laws referred to in subsection (c) of this section, the State Medical Examiner or coroner in the jurisdiction where the death occurred or the body was found shall determine the cause of death and shall complete and sign the medical certification within forty-eight (48) hours after taking charge of the case."

The Amendment was read _____
By: Representative T. Baker
MGF/CDS - 03-12-2007 13:13
MGF511 _____ Chief Clerk