

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2007-111

State of Arkansas

*As Engrossed: H3/13/07 H3/22/07*

86th General Assembly

**A Bill**

Regular Session, 2007

HOUSE BILL 2805

By: Representative T. Baker

Referred to

Public Health, Welfare And Labor Committee- House

by the House of Representatives

on 03/29/2007

**For An Act To Be Entitled**

AN ACT TO AUTHORIZE REGISTERED NURSES AND NURSE  
PRACTITIONERS TO PRONOUNCE DEATH AND TO COMPLETE  
AND SIGN MEDICAL DEATH CERTIFICATES FOR RESIDENTS  
OF LONG-TERM CARE FACILITIES, AND FOR OTHER  
PURPOSES.

**Subtitle**

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

*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*

1 physician, the chief medical officer of the institution in which death  
 2 occurred, by the pathologist who performed an autopsy upon the decedent, or  
 3 by a registered nurse or an advanced practice nurse as provided in  
 4 ~~subdivision (c)(2) of this section~~ this subdivision (c)(2), provided the  
 5 individual has access to the medical history of the case, views the deceased  
 6 at or after death, and death is due to natural causes.

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

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

17 (i) Death occurs:

18 (a) From natural causes; and

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

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

25 (B)(i) The registered nurse or advanced practice nurse  
 26 shall immediately notify the county coroner and the chief law enforcement  
 27 officer in accordance with § 12-12-315 or the county coroner in accordance  
 28 with § 12-12-1609 and may release the body to the funeral home only after  
 29 authorization by the county coroner, notifying the family and the attending  
 30 physician and after certifying the fact of death and completing and signing  
 31 the medical certification of death.

32 (ii) The registered nurse or the advanced practice  
 33 nurse shall not sign the medical certification of death if the registered  
 34 nurse or the advanced practice nurse is notified by the county coroner that  
 35 the coroner will sign the medical certification of death.

36 (C) The registered nurse or an advanced practice nurse

1 shall document the clinical criteria for the determination and pronouncement  
2 of death in the patient's medical record.

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

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

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

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

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

22 ~~(5)(4)(A)~~ The Division of Health of the Department of Health and  
23 Human Services shall provide hospitals, nursing ~~homes~~ facilities, and  
24 hospices with the appropriate death certificate forms which will be made  
25 available to the attending physicians, coroners, registered nurses, advanced  
26 practice nurses, or other certifiers of death.

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

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

35 (2) If the State Medical Examiner or county coroner determines  
36 that the case does not fall within his or her jurisdiction, he or she shall

1 *within twenty-four (24) hours refer the case back to the physician for*  
2 *completion of the medical certification.*

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

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*/s/ T. Baker*

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