

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.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/13/07

A Bill

HOUSE BILL 2805

5 By: Representative T. Baker
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For An Act To Be Entitled

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

15 AN ACT TO AUTHORIZE NURSES TO PRONOUNCE
16 DEATH FOR RESIDENTS OF LONG-TERM CARE
17 FACILITIES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 20-18-601(c)-(e), concerning preparation
24 and filing of death certificates, are amended to read as follows:

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

30 (2)(A) In the absence of the physician, or with his or her
31 approval, the certificate may be completed and signed by his or her associate
32 physician, the chief medical officer of the institution in which death
33 occurred, by the pathologist who performed an autopsy upon the decedent, or
34 by a registered nurse or an advanced practice nurse as provided in
35 ~~subdivision (e)(2) of this section~~ this subdivision (c)(2), provided the
36 individual has access to the medical history of the case, views the deceased



1 at or after death, and death is due to natural causes.

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

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

12 (i) Death occurs:

13 (a) From natural causes; and

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

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

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

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

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

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

35 (F)(i) A registered nurse or an advanced practice nurse
36 who determines death under this subdivision (c)(3) is not liable for civil

1 damages and is not subject to criminal prosecution for his or her actions or
2 the actions of others based on the determination of death.

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

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

11 ~~(5)(4)(A)~~ The Division of Health of the Department of Health and
12 Human Services shall provide hospitals, nursing homes, and hospices with the
13 appropriate death certificate forms which will be made available to the
14 attending physicians, coroners, registered nurses, advanced practice nurses,
15 or other certifiers of death.

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

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

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

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

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34 /s/ T. Baker
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