

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 H3/22/07

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

27 (ii) The registered nurse or the advanced practice
28 nurse shall not sign the medical certification of death if the registered
29 nurse or the advanced practice nurse is notified by the county coroner that
30 the coroner will sign the medical certification of death.

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

34 (D) The hospital, nursing facility, home health care
35 provider, or hospice provider shall have adopted written policies and
36 procedures that provide for the determination and pronouncement of death by a

1 registered nurse or an advanced practice nurse.

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

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

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

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

17 ~~(5)(4)(A)~~ The Division of Health of the Department of Health and
18 Human Services shall provide hospitals, nursing ~~homes~~ facilities, and
19 hospices with the appropriate death certificate forms which will be made
20 available to the attending physicians, coroners, registered nurses, advanced
21 practice nurses, or other certifiers of death.

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

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

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

34 (e) When inquiry is required by ~~either~~ any of the laws referred to in
35 subsection (c) of this section, the State Medical Examiner or coroner in the
36 jurisdiction where the death occurred or the body was found shall determine

1 *the cause of death and shall complete and sign the medical certification*
2 *within forty-eight (48) hours after taking charge of the case.*

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/s/ T. Baker