

CS FOR HOUSE BILL NO. 39(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 1/27/95

Referred: Judiciary

Sponsor(s): REPRESENTATIVES THERRIAULT, B.Davis, Bunde

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the authority of mobile intensive care paramedics, physician**
2 **assistants, and emergency medical technicians to pronounce death under certain**
3 **circumstances."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 09.68.120 is amended to read:

6 Sec. 09.68.120. DEFINITION OF DEATH. An individual is considered dead
7 if, in the opinion of a physician licensed or exempt from licensing under AS 08.64 or
8 a registered nurse authorized to pronounce death under AS 08.68.395, based on
9 acceptable medical standards, or in the opinion of a mobile intensive care
10 paramedic, physician assistant, or emergency medical technician authorized to
11 pronounce death based on the medical standards in AS 18.08.089, the individual
12 has sustained irreversible cessation of circulatory and respiratory functions, or
13 irreversible cessation of all functions of the entire brain, including the brain stem.
14 Death may be pronounced in this circumstance before artificial means of maintaining

1 respiratory and cardiac function are terminated.

2 * **Sec. 2.** AS 18.08 is amended by adding a new section to read:

3 Sec. 18.08.089. **AUTHORITY TO PRONOUNCE DEATH.** (a) A mobile
4 intensive care paramedic or physician assistant registered under AS 08.64.107 or an
5 emergency medical technician certified under this chapter may make a determination
6 and pronouncement of death of a person under the following circumstances:

7 (1) the paramedic or emergency medical technician is an active member
8 of an emergency medical service certified under this chapter;

9 (2) neither a physician licensed under AS 08.64 nor a physician exempt
10 from licensure under AS 08.64 is immediately available for consultation by radio or
11 telephone communications;

12 (3) the paramedic, physician assistant, or emergency medical technician
13 has determined, based on acceptable medical standards, that the person has sustained
14 irreversible cessation of circulatory and respiratory functions.

15 (b) A mobile intensive care paramedic, physician assistant, or emergency
16 medical technician who has determined and pronounced death under this section shall
17 document the clinical criteria for the determination and pronouncement on the person's
18 emergency medical service report form and notify the appropriate medical director or
19 collaborative physician as soon as communication can be established. The paramedic,
20 physician assistant, or emergency medical technician shall provide to the person who
21 signs the death certificate the

22 (1) name of the deceased;

23 (2) presence of a contagious disease, if known; and

24 (3) date and time of death.

25 (c) Except as otherwise provided under AS 18.50.230, a physician licensed
26 under AS 08.64 shall certify a death determined under (b) of this section within 24
27 hours after the pronouncement by the mobile intensive care paramedic, physician
28 assistant, or emergency medical technician.

29 (d) In this section,

30 (1) "acceptable medical standards" means

31 (A) the presence of injuries incompatible with life, including

1 cardiac arrest accompanied by incineration, decapitation, open head injury with
2 loss of brain matter, or detrucation;

3 (B) the presence of rigor mortis;

4 (C) the presence of post mortem lividity; or

5 (D) failure of the patient to respond to properly administered
6 resuscitation efforts;

7 (2) "failure of the patient to respond" means without restoration of
8 spontaneous pulse or respiratory effort by the patient;

9 (3) "properly administered resuscitation efforts" means

10 (A) when a person authorized to perform advanced cardiac life
11 support techniques is not available and the patient is not hypothermic, at least
12 30 minutes of properly performed cardiopulmonary resuscitation;

13 (B) when a person authorized to perform advanced cardiac life
14 support techniques is not available and the patient is hypothermic, at least 60
15 minutes of cardiopulmonary resuscitation properly performed by an emergency
16 medical technician in conjunction with rewarming techniques as described in
17 the current State of Alaska Hypothermia and Cold Water Near-Drowning
18 Guidelines published by the division of public health, Department of Health
19 and Social Services; or

20 (C) at least 30 minutes of cardiopulmonary resuscitation and
21 advanced cardiac life support techniques properly performed by a person
22 authorized to perform advanced life support services.