

HOUSE BILL NO. 383

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE DAVIS

Introduced: 2/6/98

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to expected deaths that occur at home or in a health care
2 facility."

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

4 * **Section 1.** AS 08.68.395(a) is amended to read:

5 (a) A registered nurse licensed under this chapter may make a determination
6 and pronouncement of death of a person under the following circumstances:

7 (1) an attending physician has documented in the person's medical or
8 clinical record that the person's death is anticipated due to illness, infirmity, or disease,
9 **and the documentation includes an agreement by the physician to sign the death**
10 **certificate if the death occurs as anticipated**; this prognosis **and agreement are** [IS]
11 valid for purposes of this section for no more than 120 days from the date of the
12 documentation;

13 (2) at the time of documentation under (1) of this subsection, the
14 physician authorized in writing a specific registered nurse or nurses to make a

1 determination and pronouncement of the person's death; however, if the person is in
 2 a health care facility and the health care facility has complied with (d) of this section,
 3 the physician may authorize all nurses employed by the facility to make a
 4 determination and pronouncement of the person's death.

5 * **Sec. 2.** AS 08.68.395(b) is amended to read:

6 (b) A registered nurse who has determined and pronounced death under this
 7 section shall document the clinical criteria for the determination and pronouncement
 8 in the person's medical or clinical record and notify the physician who determined that
 9 the prognosis for the patient was for an anticipated death. The registered nurse shall
 10 provide to the person who will sign the death certificate [, WHICH MUST
 11 INCLUDE] the

12 (1) name of the deceased;

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

14 (3) date and time of death.

15 * **Sec. 3.** AS 12.65 is amended by adding a new section to read:

16 **Sec. 12.65.007. No duty to notify peace officer of an expected home death.**

17 (a) Notwithstanding AS 12.65.005(a), a person authorized to determine and pronounce
 18 death who attends a death or has knowledge of a death is not required to notify a
 19 peace officer of the death if

20 (1) the death was expected to occur due to the dead person's state of
 21 health before death;

22 (2) the death occurred at the dead person's home; and

23 (3) a form signed by the dead person's physician concerning the
 24 physician's expectation that the death would occur due to the person's state of health
 25 and that it would occur at home was, at the time of death, on file with the state
 26 medical examiner.

27 (b) This section does not prohibit a person from notifying the state medical
 28 examiner of a death if, in the person's opinion, a death investigation under
 29 AS 12.65.020 and 12.65.025 may be appropriate due to suspicious or unusual
 30 circumstances.