

SENATE BILL NO. 43

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR COLLINS BY REQUEST

Introduced: 1/21/91

Referred: HESS and Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing a registered nurse to determine and pronounce death under certain
2 circumstances."

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

4 * Section 1. AS 08.68 is amended by adding a new section to read:

5 **ARTICLE 4A. MISCELLANEOUS PROVISIONS.**

6 **Sec. 08.68.395. DETERMINATION OF DEATH BY REGISTERED NURSE.** (a) A
7 registered nurse licensed under this chapter may make a determination and pronouncement of
8 death of a person under the following circumstances:

9 (1) an attending physician has documented in the person's medical or clinical
10 record that the person's death is anticipated due to illness, infirmity, or disease; this prognosis
11 is 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 physician
14 authorized in writing a specific registered nurse or nurses to make a determination and

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

4 (b) A registered nurse who has determined and pronounced death under this section shall
5 document the clinical criteria for the determination and pronouncement in the person's medical
6 or clinical record and notify the physician who determined that the prognosis for the patient was
7 for an anticipated death. The registered nurse shall sign the death certificate, which must include
8 the

- 9 (1) name of the deceased;
- 10 (2) presence of a contagious disease, if known; and
- 11 (3) date and time of death.

12 (c) A physician licensed under AS 08.64 shall certify a death determined under (b) of
13 this section within 24 hours after the pronouncement by the registered nurse.

14 (d) A health care facility that employs a registered nurse shall adopt written policies and
15 procedures that provide for the determination and pronouncement of death by a registered nurse
16 under this section. A registered nurse employed by a health care facility may not make a
17 determination or pronouncement of death under this section unless the facility has written policies
18 and procedures implementing and ensuring compliance with this section.

19 (e) Notwithstanding AS 08.68.400(a)(1), this section applies to a qualified nurse
20 described in AS 08.68.400(a)(1) who is employed by a federal health care facility.

21 (f) The Department of Health and Social Services may adopt regulations to implement
22 this section.

23 (g) In this section,

24 (1) "determination of death" means observation and assessment that a person has
25 ceased vital bodily functions irreversibly, including pulse, respiration, heartbeat, and pupil
26 reaction;

27 (2) "health care facility" means a private, municipal, state, or federal hospital,
28 psychiatric hospital, tuberculosis hospital, skilled nursing facility, kidney disease treatment center
29 (excluding freestanding hemodialysis units), intermediate care facility, or Alaska Pioneers' Home
30 administered by the Department of Administration under AS 47.55.