

**HOUSE BILL NO. 478**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVE THERRIault**

**Introduced: 2/14/94**

**Referred: Health, Education & Social Services, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

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

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

4 \* Section 1. AS 09.65.120 is amended to read:

5           Sec. 09.65.120. DEFINITION OF DEATH. An individual is considered dead  
6 if, in the opinion of a physician licensed or exempt from licensing under AS 08.64 or  
7 a registered nurse authorized to pronounce death under AS 08.68.395, based on  
8 acceptable medical standards, or in the opinion of a mobile intensive care  
9 paramedic or emergency medical technician authorized to pronounce death based  
10 on the medical standards in AS 18.08.089, the individual has sustained irreversible  
11 cessation of circulatory and respiratory functions, or irreversible cessation of all  
12 functions of the entire brain, including the brain stem. Death may be pronounced in  
13 this circumstance before artificial means of maintaining respiratory and cardiac  
14 function are terminated.

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

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

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

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

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

14                    (b) A mobile intensive care paramedic or emergency medical technician who  
15    has determined and pronounced death under this section shall document the clinical  
16    criteria for the determination and pronouncement on the person's emergency medical  
17    service report form and notify the appropriate medical director as soon as  
18    communication with the medical director can be established. The paramedic or  
19    emergency medical technician shall sign the death certificate, which must include the

20                             (1) name of the deceased;

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

22                             (3) date and time of death.

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

27                    (d) In this section,

28                             (1) "acceptable medical standards" means

29                                     (A) the presence of injuries incompatible with life, including  
30    cardiac arrest accompanied by incineration, decapitation, open head injury with  
31    loss of brain matter, or detrucation;

1 (B) the presence of rigor mortis;  
2 (C) the presence of post mortem lividity; or  
3 (D) failure of the patient to respond to properly administered  
4 resuscitation efforts;

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

7 (3) "properly administered resuscitation efforts" means

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

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

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