

CS FOR HOUSE BILL NO. 478(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/9/94

Referred: Judiciary

Sponsor(s): REPRESENTATIVE THERRIAULT

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 provide to the person who signs the death**
20 **certificate the**

21 **(1) name of the deceased;**

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

23 **(3) date and time of death.**

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

28 **(d) In this section,**

29 **(1) "acceptable medical standards" means**

30 **(A) the presence of injuries incompatible with life, including**
31 **cardiac arrest accompanied by incineration, decapitation, open head injury with**

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loss of brain matter, or detracation;

(B) the presence of rigor mortis;

(C) the presence of post mortem lividity; or

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

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

(3) "properly administered resuscitation efforts" means

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

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

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