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Alaska State Legislature

SENATE

SENATOR VIRGINIA COLLINS

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

SPONSOR STATEMENT

Senate Bill 43

Senate Bill 43, "An Act authorizing a registered nurse to determine and pronounce death under certain circumstances."

This bill would clarify statutes and allow registered nurses to pronounce death when death is anticipated and the physician has given written authorization for the nurse to make the pronouncement. If death occurs in a health care facility, a registered nurse would be allowed to pronounce death when the physician has given written authorization and when it is in accordance with the written regulations of that facility.

This would alleviate undue stress and emotional trauma for the family of the individual who died. Currently, nurses have to wait for many hours (often 4-10 hours) until the attending physician or emergency room physician arrives to pronounce death. Until that pronouncement is made, the family is kept in turmoil while life-sustaining care is continued (such as the continuation of IV's, etc.). Not only could there be reduction of mental stress, but costs could be reduced.

Once pronouncement is made, the life-sustaining measures can cease. The physician would still be required to sign the certification of death except in certain circumstances already in statute or regulation. Those exceptions primarily address isolated areas of the bush.

SB 43 is supported by the Alaska Board of Nursing, the Alaska Nurses' Association, the Alaska Medical Association, the Department of Health and Social Services, the Department of Commerce and Economic Development, and the Department of Administration. SB 43 has 3 zero fiscal notes. It passed the Senate by an 18-0 vote.

Approximately 14 states allow a nurse to pronounce death under certain circumstances. Most of these laws have been enacted within the past 10 years as more nurses have become involved with the terminally ill patient.

NOTE: The Senate Hess Committee substitute reflects only technical changes.

I would appreciate your support of Senate Bill 43.

SPONSOR STATEMENT

1991 LEGISLATION
POSITION PAPER
DEPARTMENT OF ADMINISTRATION

Division Pioneers' Benefits Bill Number CSSB43 (HES)

Bill Title An act authorizing a registered nurse to determine and pronounce death under certain circumstances.

Position Statement: Explain briefly what bill does, its impacts and Department's position, i.e. a) support, b) do not support, c) neutral or d) oppose.

This is a bill that appears long overdue within the practice of long-term care nursing, because the physicians have comfortably relied on the skills of the registered nurses to determine and pronounce death. A physician is very seldom present when a resident dies and may not be readily available to complete the required documentation. The nursing staff in the homes expressed support for this bill.

This bill is also supported by the Alaska Medical Association and the Alaska Nurses' Association.

RECEIVED
FEB 08 1991

APPROVED:

Director Barbara Bathony *B. Bathony* Division Pioneers' Benefits
print name

Signature _____ Date _____

Commissioner Millett Keller

Signature *Millett Keller* Date 2/8/91

(For more information, call Barbara Pritchett 465-2200)

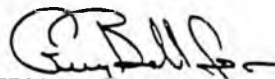
Rev. 1/23/91

CSSB 43 (HESS): An Act authorizing a registered nurse to determine and pronounce death under certain circumstances.

CSSB 43 (HESS) adds a new section to AS 08.68 which will allow registered nurses to pronounce death under certain circumstances. These circumstances include: (1) that an attending physician has documented in the person's medical or clinical record that the person's death is anticipated; (2) that upon documentation by the physician, the physician may authorize a specific registered nurse or nurses to make the death pronouncement; and (3) that nurses employed by health facilities may also pronounce death under established facility procedures.

At the November 1990 meeting of the Board of Nursing, the board endorsed the concept of nurses pronouncing death. The board believes registered nurses to be educationally and clinically prepared to pronounce death under the circumstances described. The board also believes it is in the best interests of the patient's family to have the nurse, who has been working with the family, to make the death pronouncement rather than calling paramedics and/or local law enforcement individuals into the home to pronounce death for the person who chooses to die at home.

The department's previous concern over item (f) which grants the Department of Health and Social Services the authority to adopt regulations to implement this section has been resolved and, therefore, the department supports passage of CSSB 43 (HESS).



Glenn A. Olds, Commissioner

Date: February 1, 1991

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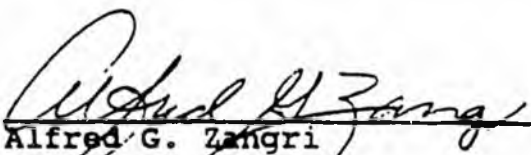
Committee Substitute
Senate Bill No. 43

For an Act entitled: "An Act authorizing a registered nurse to determine and pronounce death under certain circumstances."


SB 43 allows Registered Nurses to determine and pronounce death in a specific set of circumstances with written prior approval of finite duration from an attendant physician.

While the Department believes that current statutes and regulations are permissive enough to allow this activity, current practice in many facilities appears to exclude RNs from determining and pronouncing death. This practice, at least in the limited context of SB43, results in unnecessary delays and could result in unnecessary and potentially life-threatening calls to EMTs.

The Department believes that SB 43, as it is currently structured, will have no impact on the Department. Since the bill addresses actual and potential problems, the Department supports its passage.

Recommended: 
Alfred G. Zangri
Acting Director
Division of Public Health

Date: 2/1/91

Approved: 
Theodore Mala, M.D., M.P.H.
Commissioner
Department of Health
and Social Services

Date: 2/1/91

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 1, 1991

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 3/27/91

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: CSSB 43 (HES)

CS FOR SENATE BILL NO. 43 (HES) NURSES DETERMINATION OF DEATH

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

- RECOMMENDATIONS: the same title
 be replaced with _____ a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

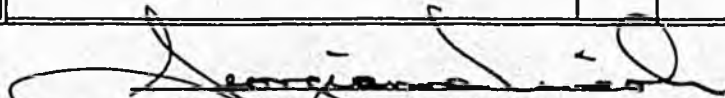
ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____ fiscal note(s) _____

(2) zero fiscal note DOA + DOCED zero fiscal note(s) DHSS 1/30/91

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Cheri Davis</i>	✓				
<i>Mary Miller</i>	✓				
<i>Mark Hanley</i>	✓	(HANLEY)			
<i>Betty Davis</i>	✓	(DAVIS)			
<i>J.C. Gonzales</i>	✓	(GONZALES)			
<i>Robert Carney</i>	✓	(CARNEY)			
<i>Debra Lincoln</i>	✓	(LINCOLN)			


CO-CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB43

Revision Date: _____
Title: An Act authorizing a registered nurse to determine and pronounce death under certain circumstances.
Sponsor: Senator Collins
Requestor: Senate Health, Education and Social Services Committee

Department Affected: Administration
BRU: Division of Pioneers' Benefits
Component: Pioneers' Homes

COMPONENT SERIAL NO.

3	5		
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

This bill allows for timely notification of next of kin by registered nurses when a death occurs in a Pioneers' Home.

Prepared by: Barbara Bathony *Barbara Bathony*
Division: Pioneers' Benefits

Phone: 465-4400

Date: 2/11/91

Approved by Commissioner: Millett Keller *Millett Keller*
Agency: Administration

Date: 2/11/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 43

Revision Date: _____ Department Affected: Commerce & Economic Dev.
 Title: Authorizing a registered nurse to determine and pronounce death . . . BRU: Occupational Licensing
 Component: Administration
 Sponsor: Senator Collins by Request
 Requestor: Senator Collins COMPONENT SERIAL NO.

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

SB 43 will allow a licensed registered nurse to make a determination and pronouncement of death under certain circumstances. No fiscal impact is anticipated.

Prepared By: Jennifer Strickler, Administrative Officer Phone: 465-2144

Division: Occupational Licensing Date: January 25, 1991

Approved by Commissioner: Glenn A. Olds

Agency: Department of Commerce & Economic Development Date: January 25, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



Alaska State Legislature

House of Representatives

COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

SUBJECT OF MEETING:

HB 43 CHILD SUPPORT ARREARAGES

DATE: March 26, 1991

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
✓ Ardith Lynch	CSED	550 W. 7th Ave, Anchorage	99501		263-6277	<input checked="" type="radio"/>	N	HB 43
Tom BERGSTROM Jan Hansen	DHSS	Box H Juneau	99811	<input checked="" type="checkbox"/>	3030	Y	N	HB 43 QUESTIONS
✓ Glenda Straube	ACES	PO Box 92910 Anch. AK	99509			<input checked="" type="radio"/>	N	HB 43
✓ Laura Glaiser	Children's Commission	Box A Juneau	99811			<input checked="" type="radio"/>	N	HB 43
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	



Alaska State Legislature

House of Representatives

COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

SUBJECT OF MEETING:
SB 43 NURSES DETERMINATION OF DEATH

DATE: March 27, 1991

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
						Y	N	
/ Ann Boudreau	OCC. LIC.					Y	N	SB 43
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

THE FOLLOWING PAGES MAY NOT FILM
LEGIBLY BECAUSE OF THE POOR QUALITY OF
THE ORIGINAL

The Alaska Nurses Association State Legislative Committee is making an effort to allow the Registered Nurse in Alaska to pronounce death under certain circumstances.

In the hospital setting, we assert that having either the attending physician or emergency room physician pronounce death can result in a delay in the pronouncement which may in turn result in a period of anxiety for the patients family. The same holds true for the Home health/Hospice setting where EMTs may pronounce. In Alaska's unique rural setting, where State Troopers may pronounce, there could be quite a delay.

This issue was voted on at the ANA Convention in March of 1990 and there were no opposing votes. The State Board of Nursing voted to endorse our efforts.

Research was conducted exploring the issue in other states. Forty states responded to our inquiry. The results were as follows: Nurses may pronounce death in fifteen states. Seventeen states do not allow for it. Six other states do not allow for it; however, attempts are being conducted to change this. Two states' responses were unclear.

We propose that a Registered Nurse in the State of Alaska be permitted to pronounce death under these circumstances: if the death is an anticipated death, a death which is, in the opinion of the attending physician, expected due to illness, infirmity or disease.

Carol Clauson R.N.

ANA District I Board Member

ANA State Legislative Committee

BACK-up

STEVE COWPER, GOVERNOR

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

DIVISION OF OCCUPATIONAL LICENSING

7TH FLOOR FRONTIER BLDG.
3001 C STREET, SUITE 722
ANCHORAGE, ALASKA 99503
PHONE: (907) 581-2878

November 27, 1990

Carol Clausson
13200 Ridgeview Drive
Anchorage, Alaska 99516

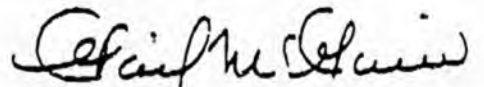
Dear Carol:

Thank you for attending the Board of Nursing Meeting on November 1, 1990, where the Board of Nursing addressed the issue of registered nurses pronouncing death.

The board did pass a motion at that meeting to support the Alaska Nurses Association's proposal for pronouncement of death by registered nurse if the death is anticipated, that is which is in the opinion of the attending physician expected due to illness, infirmity or disease. The board appreciates the information that you shared from the research which you conducted which explored the issue in other states.

Carol, you are to be commended for your efforts to pursue this issue. The Board of Nursing wishes you the best of luck in meeting your goal during the next legislative session. If we can be of any further assistance, do not hesitate to contact us.

Sincerely,

Gail M. McGuill, RN
Executive Secretary
Alaska Board of Nursingcc: Randall P. Burns, Director
Division of Occupational LicensingPam Ventgen, Executive Secretary
Alaska State Medical Board

1244n/mh

FEB 13 1991

LASKA STATE MEDICAL ASSOCIATION

• 4107 Laurel Street • Anchorage, Alaska 99508-5334 • (907) 562-2662

February 8, 1991

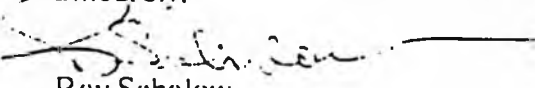
Honorable Virginia Collins
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Senator Collins:

The Alaska State Medical Association in careful study, support your efforts in the passage of Senate Bill No. 43 authorizing a registered nurse to determine and pronounce death under certain circumstances.

If we can assist your efforts, do not hesitate to call.

Sincerely,


Ray Schalow
Executive Director

cc/R. Urion

 * DELIVER TO: LHSCHES *
 * ORIGINAL *
 * SENT: 03/26/91 TIME: 09:55 *
 * FROM: LIODLAI *
 * SUBJECT: 91-03-128,FS;BLOOD ETC.,3-26 *
 * PRINT DATE: 03/26/91 TIME: 11:18 *

SUBJECT LINE TO READ. TC NO., FLNFS,SHORT SUBJECT,DATE

T/C NO: 91-03-128
 DATE: 03-26-91
 SPONSOR: H HESS
 SUBJECT: HCR 16, SCR 17, HB 211, HB 43, HB 163
 MODERATOR: LANI
 SITE: ANCHORAGE

FINAL STATS

 TO TESTIFY

NAME\ REPRESENTING	ADDRESS	PHONE	BILL NO.
1. ANNABELL STEVENS	2906 W 30TH	279-1124	HB 166
2. DALE GOODLOE	BLOOD BANK OF AK.	563-3110	SCR17,HB211

-Interim Pres. AK adds+moms

3. GARY MAXWELL	2225 ARCTIC BLVD.	274-7358	HB 43
4. ROLAND GOWER, MD	2841 DEBARR #41	279-3564	SCR 17,HB211

 TO OBSERVE:

NAME\ REPRESENTING	ADDRESS	PHONE	BILL NO.
1. VICKIE MONINSKI	15720 SOUTHPARK LP.	346-1460	SCR17,HB211
2. TED MONINSKI	BOX 102778	346-1460	
3. GEOFF FEILER	4128 WRIGHT ST,	561-0083	SCR17,HB211
4. LINDA WEBBER, PH D	1227 W 9TH,#200	276-4910	

 TESTIFIED: 3
 UNABLE: 1 (ROLAND GOWER, MD)
 OBSERVED: 4
 TOTAL: 8

STARTING TIME: 7:30 A.M. ENDING TIME: 10:00 A.M.

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*
* DELIVER TO: LHSCHES
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* ORIGINAL
* SENT: 03/26/91 TIME: 11:29
* FROM: LIOCMAT
* SUBJECT: 3126,FS,MHESS,HB43,3/26/91
* PRINT DATE: 03/26/91 TIME: 11:29
*
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SUBJECT LINE TO READ: TC NO.; PL/FS; SHORT SUBJECT; DATE

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T/C NO: 91-03-128
DATE: 3/26/91
SPONSOR: HOUSE HESS
SUBJECT: HB43, HCR16
MODERATOR: MARY
SITE: MATSU

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FINAL STATS

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TESTIFIED

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NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1.			
2.			
3.			
4.			
5.			

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*****
OBSERVED

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NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1. STEVE STRUBE, AK FAMILY SUPPORT GROUP	P O BOX 521155, BIG LAKE 99652	892-7760	HB43
2. LESLIE BOGDA, DIRECTOR, VWRC	403 S ALASKA ST., PALMER 99645	746-4080	HB43
3.			
4.			
5.			

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TESTIFIED: 0
UNABLE: 0
OBSERVED: 2
TOTAL: 2

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START TIME: 7:30AM END TIME: 9:30AM

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* DELIVER TO: LHSCHES
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* ORIGINAL
* SENT:          03/26/91  TIME: 10:24
* FROM:          LIOCKOD
* SUBJECT:       91-03-128;FS;HB43;3-26-91
* PRINT DATE:   03/26/91  TIME: 10:24
*
*****

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SUBJECT LINE TO READ: TC NO.; PL/FS; SHORT SUBJECT; DATE

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T/C NO:      91-03-128
DATE:        MARCH 26, 1991
SPONSOR:     HOUSE H.E.S.S.
SUBJECT:     HB 43, AND OTHER BILLS
MODERATOR:   LORNA STEELMAN
SITE:        KODIAK LIO

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FINAL STATS

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TESTIFIED

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NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1. JAMES L. FISK, DEPT. OF REVENUE ADVISORY TEAM /CO-C	HAIRMAN		
2. PO BOX 2008 - KODIAK	99615, 486-	7088	HB 43
3.			
4.			
5.			

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*****
OBSERVED

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NAME/RERESENTING	ADDRESS	PHONE	BILL NO.
1.			
2.			
3.			
4.			
5.			

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*****
TESTIFIED: 1

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UNABLE: 0
OBSERVED: 0

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*****
*
* DELIVER TO: LHSCHES
*
* ORIGINAL
* SENT: 03/26/91 TIME: 10:03
* FROM: LTCCBET
* SUBJECT: 91-03-128;FS;(H)HESS;3-26-91
* PRINT DATE: 03/26/91 TIME: 10:03
*
*****

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SUBJECT LINE TO READ: TC NO.;PL/FS;SHORT SUBJECT;DATE

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T/C NO: 91-03-128
DATE: MARCH 26, 1991
SPONSOR: HOUSE HESS COMMITTEE
SUBJECT: HCR16, SCR17, HB211, HB43, HB163, HB164, HB166
MODERATOR: WALLY
SITE: BETHEL

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FINAL STATS LIST

TESTIFIED

NAME/REPRESENTING	ADDRESS	PHONE	BILL NO.
1. JOAN HAMILTON,	BOX 1275, BETHEL, 99559	543-3454	HB43
2.			
3.			
4.			
5.			

OBSERVED

NAME/RERESENTING	ADDRESS	PHONE	BILL NO.
1.			
2.			
3.			
4.			
5.			

TESTIFIED: 1

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UNABLE: 0
OBSERVED: 0
TOTAL: 1

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START TIME: 7:30 A.M.

END TIME: 9:56 A.M.

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