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**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. 

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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						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE</b>	0	0	0	0	0	0
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	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).

REQUEST: FISCAL NOTE

Revision Date: \_\_\_\_\_ Agency Affect: Health & Social Services  
 Title: Authorizing a registered nurse to determine and pronounce death BRU: State Health Services  
 Sponsor: Collins by request Components: Nursing  
 Requester: Senate HESS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL</b>	0.0	0.0	0.0	0.0	0.0	0.0
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<b>REVENUE</b>	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

Full-Time		0				
Part-Time		0				
Temporary		0				

ANALYSIS: (attach a separate page if necessary)

No fiscal impact.

Prepared By: Alfred G. Zangri  
 Division: PUBLIC HEALTH

Phone: 465-3090  
 Date: 01/28/91

Approved By Commissioner: Theodore Mala, M.D., MPH  
 Agency: HEALTH & SOCIAL SERVICES

Date: \_\_\_\_\_

Distribution (by preparer):

Legislative Finance, Legislative Sponsor, Requestor,  
 Office of Management & Budget, Impacted Agency(ies)



# Alaska State Legislature

## SENATE

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 occurred 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.

Senate Bill 43 is supported by the Alaska Board of Nursing and the Alaska Nurse's Association. In a survey of 10 Providence Hospital doctors, 90% supported allowing nurses to pronounce death under these circumstances.

Approximately 14 states allow for 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.

**SB 43:** An Act authorizing a registered nurse to determine and pronounce death under certain circumstances.

SB 43 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 also directs attention to item (f) which grants the Department of Health and Social Services the authority to adopt regulations to implement this section. Since AS 08.68 establishes qualifications for nursing licensure and is administered by the Alaska Board of Nursing in the Department of Commerce and Economic Development, the department recommends section (f) be amended to reflect the Department of Commerce and Economic Development.

With the amendment in section (f) noted above, the department supports passage of SB 43.



Glenn A. Olds, Commissioner

Date: 1-25-91

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**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

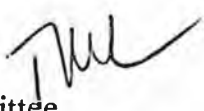
P.O. Box Y, Juneau, Alaska 99811  
(907) 465-3867 or 465-2450  
FAX (907) 465-2029

Deliveries to: 240 Main Street  
Court Plaza, Room 500  
Mail Stop 3101

**MEMORANDUM**

January 29, 1991

**SUBJECT:** Nurses Pronouncement of Death  
(CSSB 43(HESS))

**TO:** Senator Arliss Sturgulewski   
Chair, Senate HESS Committee

**FROM:** Terri Lauterbach  
Legislative Counsel

Enclosed is a draft committee substitute for SB 43. There are three changes from the draft the committee saw on Tuesday. They are technical corrections.

Page 2, line 12: The words "Except as otherwise provided under AS 18.50.230" have been added. This is in response to testimony that there are circumstances under current law where a physician need not certify the cause of death unless requested by a magistrate. Those circumstances are described in AS 18.50.230 and regulations adopted under the authority of that section, so a reference to that section would be appropriate here.

Page 2, lines 25-26: The definition of "determination of death" has been rewritten to refer to Alaska's definition of death in AS 09.65.120.

Page 3: A new section 2 has been added. The definition of death in AS 09.65.120 is amended to refer to the new section of law (AS 08.68.395), which would be enacted by this draft, under which a registered nurse would be authorized to pronounce death.

If you have any questions about these changes, give me a call.

TML:gc  
91-043.glc

Enclosure

STEVE COWPER, GOVERNOR

**DEPARTMENT OF COMMERCE &  
ECONOMIC DEVELOPMENT**

**DIVISION OF OCCUPATIONAL LICENSING**

7TH FLOOR FRONTIER BLDG.  
3601 C STREET, SUITE 722  
ANCHORAGE, ALASKA 99503  
PHONE: (907) 561-2878

November 27, 1990

Carol Clausson  
13200 Ridgeview Drive  
Anchorage, Alaska 99516

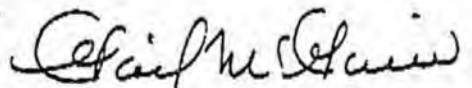
Dear Carol:

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 Nursing

cc: Randall P. Burns, Director  
Division of Occupational Licensing

Pam Ventgen, Executive Secretary  
Alaska State Medical Board

1244n/mh

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 Clausson R.N.

ANA District I Board Member

ANA State Legislative Committee