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SEVENTEENTH LEGISLATURE  
SENATE JUDICIARY COMMITTEE BILL FILE

BILL NUMBER: CS / SB43 (HES)  
ABBREVIATED TITLE: Nurse Pronounce Dead -

SPONSER: Collins ORIGINAL RECEIVED: 1-30  
WRITTEN REQUEST TO SCHEDULE REC'D: \_\_\_\_\_ FROM: \_\_\_\_\_  
SPONSER'S STATEMENT REC'D: 2-1 FROM: Collins  
SECTIONAL ANALYSIS RQST'D: \_\_\_\_\_ FROM: \_\_\_\_\_  
SECTIONAL ANALYSIS RECEIVED: \_\_\_\_\_

FISCAL NOTE (ORIGINAL)  
RQST'D OF: \_\_\_\_\_ REC'D FROM: H&SS DATE: 1-30 with file -  
RQST'D OF: \_\_\_\_\_ REC'D FROM: \_\_\_\_\_ DATE: \_\_\_\_\_  
RQST'D OF: \_\_\_\_\_ REC'D FROM: \_\_\_\_\_ DATE: \_\_\_\_\_

FISCAL NOTE (C.S.)  
RQST'D OF: \_\_\_\_\_ REC'D FROM: with File DATE: 2-1  
RQST'D OF: \_\_\_\_\_ REC'D FROM: \_\_\_\_\_ DATE: \_\_\_\_\_  
RQST'D OF: \_\_\_\_\_ REC'D FROM: \_\_\_\_\_ DATE: \_\_\_\_\_

FIVE DAY NOTICE GIVEN: \_\_\_\_\_ NOTICE OF HEARINGS GIVEN: \_\_\_\_\_  
COMMITTEES OF REFERRAL: FIRST: Jud SECOND: \_\_\_\_\_ THIRD: \_\_\_\_\_

COMMITTEE ACTION

DATE: Feb 12 Individual Recommendations - Delivered to Sen Sen.  
All Suggested To Pass -  
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PERSONS TO BE NOTIFIED OF HEARING

1. SPONSOR Collins
2. AGENCY H&SS
3. \_\_\_\_\_
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7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

SEVENTEENTH LEGISLATURE  
SENATE JUDICIARY COMMITTEE BILL FILE

BILL NUMBER: SB 43

ABBREVIATED TITLE: Nurses Pronounce Death -

SPONSER: Collins ORIGINAL RECEIVED: HSS

WRITTEN REQUEST TO SCHEDULE REC'D: 2-1 FROM: Collins

SPONSER'S STATEMENT REC'D:  FROM: Collins

SECTIONAL ANALYSIS RQST'D: \_\_\_\_\_ FROM: \_\_\_\_\_

SECTIONAL ANALYSIS RECEIVED: \_\_\_\_\_

FISCAL NOTE (ORIGINAL)

RQST'D OF: \_\_\_\_\_ REC'D FROM: \_\_\_\_\_ DATE: \_\_\_\_\_

RQST'D OF: \_\_\_\_\_ REC'D FROM: \_\_\_\_\_ DATE: \_\_\_\_\_

RQST'D OF: \_\_\_\_\_ REC'D FROM: \_\_\_\_\_ DATE: \_\_\_\_\_

FISCAL NOTE (C.S.)

RQST'D OF: \_\_\_\_\_ REC'D FROM: With File DATE: 2-1

RQST'D OF: \_\_\_\_\_ REC'D FROM: \_\_\_\_\_ DATE: \_\_\_\_\_

RQST'D OF: \_\_\_\_\_ REC'D FROM: \_\_\_\_\_ DATE: \_\_\_\_\_

FIVE DAY NOTICE GIVEN: \_\_\_\_\_ NOTICE OF HEARINGS GIVEN: \_\_\_\_\_

COMMITTEES OF REFERRAL: FIRST: (HSS) SECOND: \_\_\_\_\_ THIRD: \_\_\_\_\_  
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COMMITTEE ACTION

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PERSONS TO BE NOTIFIED OF HEARING

1. SPONSOR Collins
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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
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

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).

REQUEST: FISCAL NOTE

Revision Date: \_\_\_\_\_ Agency Affects: 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>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>REVENUE</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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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>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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)

**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						
<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).



# Alaska State Legislature

## SENATE

Official Business

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

### MEMORANDUM

TO: Senator Rick Halford, Chairman  
Senate Judiciary Committee

FROM: Senator Virginia Collins

DATE: February 5, 1991

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

---

In reference to the above-referenced bill, attached herewith for the Senate Judiciary Committee are the following:

1. Sponsor statement
2. A zero fiscal note from the Department of Health & Social Services
3. A zero fiscal note from the Department of Commerce & Economic Development
4. A position paper from the Department of Commerce & Economic Development SB43
5. A position paper from the Department of Commerce & Economic Development for CSSB43 (HESS)
6. A position paper from the Department of Health & Social Services
7. Frank analysis of probable supporters and possible opponents
8. Back-up which includes:
  - a. A written statement by Carol Clausson, R.N.
  - b. A letter from Division of Occupational Licensing

If you have any questions regarding the above, please do not hesitate to contact me or Marveen Palmer at 465-2828.



Official Business

# Alaska State Legislature

SENATE

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

*Recd 2-1-91*

## MEMORANDUM

TO: Senator Rick Halford, Chairman  
Senate Judiciary Committee

FROM: Senator Virginia Collins *[Signature]*

DATE: January 30, 1991

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

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I respectfully request that you schedule the above-referenced bill, SB 43, for hearing at your earliest convenience. A committee substitute of SB 43 was passed out of Senate HESS with 3 "do-pass" recommendations. The committee substitute made only technical changes to the bill.

Attached herewith are the following:

1. Sponsor statement
2. A zero fiscal note from the Department of Health & Social Services
3. A zero fiscal note from the Department of Commerce & Economic Development
4. A position paper from the Department of Commerce & Economic Development
5. Frank analysis of probable supporters and possible opponents
6. Back-up which includes:
  - a. A written statement by Carol Clausson, R.N.
  - b. A letter from Division of Occupational Licensing

If you have any questions regarding the above, please do not hesitate to contact me or Marveen Palmer at 465-2828. Thank you for your attention to this request.



# 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.

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

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.

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)

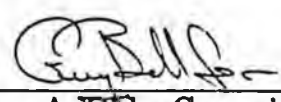
Rev. 1/23/91

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

GAO/JS/dg18805D  
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**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

GAO/JS/dgl8805D  
012591a

Committee Substitute  
Senate Bill No. 43

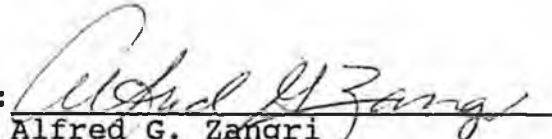
For an Act entitled: "An Act authorizing a registered nurse to determine and pronounce death under certain circumstances."

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

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

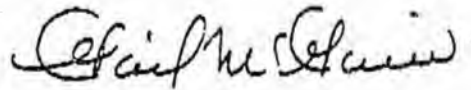
Dear Carol:

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. McGill, 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

ANALYSIS OF SUPPORT/OPPOSITION

This bill is supported by the Alaska Nurses Association, the Alaska Board of Nursing, the Alaska Medical Association, and the Department of Health and Social Services.

No opposition is anticipated by any group.

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

PUBLIC OPINION MESSAGE

DEAR: SENATOR HALFORD

NAME: RENEE BUSSELL  
TITLE:  
ADDRESS: 8740 PIONEER DRIVE  
CITY: ANCHORAGE ZIP: 99504  
PHONE: 337-4600  
BILL NO: SB 43  
SUBJECT: NURSES DETERMINATION OF DEATH  
MESSAGE: I SUPPORT AND REQUEST AN EARLY HEARING FOR SB 43.

POMID: 03110145  
DATE: 01/02/04  
TIME: 1:01:45  
LIONAME: ANCHORAGE LIO