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STATE OF ALASKA
THE LEGISLATURE



LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

Legislative Information Office
P.O. Box 1189
Delta Jct., AK 99737
(907) 895-4236

RECEIVED
APR 15 1994

Rep. Brian Portor

DATE: March 29, 1994

Please accept the enclosed original(s) of written testimony for
the House Judiciary teleconference hearing that was
scheduled on 3/28/94.

A copy of this testimony was transmitted to your committee via fax
on 3/28/94.

Thank you,

E. A. Sarver
Elizabeth A. Sarver
Information Officer



Alaska State Legislature

Please enter into the record my testimony to the House Judiciary
 committee name
 committee on HB478 EMT Auth to Pres. Death dated 3/28/94
 bill/subject

I STRONGLY SUPPORT HB 478. As a RURAL physician & sponsor for several Rescue squads, it makes sense to allow our well trained EMT's to have this higher level of decision making. Over the past 10 years in ALASKA, I have never encountered a situation where this proposed legislation would have given me/us any problem but it would have been a real help to EMT's & physicians & patient or patient's family

Signed: Ray E. Andressen DO
 Testifier

Delta/Tok/Northway/McCotzeb Plateau Rescue Squads.
 Representing (Option: I) + myself as physician
Box 468, DELTA JCT., AK 99737 SPONSOR
 Address
(907) 895-5100
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FISCAL NOTE

No. 1

Bill Version: CSHB 478(HES)

(H) Publish Date: 3/9/94

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

BILL

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to paramedics and EMT's to BRU: State Health Services
pronounce death under certain circumstances. Component: EMS Training & Licensing
 Sponsor: Therriault
 Requestor: House HES COMPONENT SERIAL NO. #297

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGES IN REVENUES	0	0	0	0	0	0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) cost \$ NONE

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact.

Prepared by: Peter M. Nakamura, MD, MPH Phone: (907) 465-3090
 Division: Public Health Date: 02/23/94
 Approved by Commissioner: Marga et R. Lowe, M.Ed., Ed.S. Date: _____
 Agency: Department of Health & Social Services

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FISCAL NOTE

No. 2
 Bill Version: CSHB 478(HES)
 (H) Publish Date: 3/9/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

BILL

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to paramedics and EMT's to BRU: State Health Services
pronounce death under certain circumstances. Component: Post Mortem Examinations
 Sponsor: Therriault
 Requestor: House HES COMPONENT SERIAL NO. #293

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGES IN REVENUES	0	0	0	0	0	0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) cost \$ NONE

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact.

Prepared by: Peter M. Nakamura, MD, MPH
 Division: Public Health

Phone: (907) 465-3090
 Date: 02/23/94

Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.
 Agency: Department of Health & Social Services

Date: _____

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Alaska State Legislature

REPRESENTATIVE
GENE THERRIAULT
P O Box 55326
North Pole, Alaska 99705
(907) 488-0862

House District 33



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
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House Of Representatives

HB 478 The authority of mobile intensive care paramedics and emergency medical technicians to pronounce death under certain circumstances.

SPONSOR: Rep. Gene Therriault

SPONSOR STATEMENT:

House Bill 478 proposes to allow mobile intensive care paramedics and Emergency Medical Technicians (EMT) to determine and pronounce death under certain circumstances. Registered paramedics or certified EMTs who are active members of a certified emergency medical service, may make a determination and pronouncement of death if a physician is not immediately available upon determining that the person has suffered irreversible cessation of circulatory and respiratory functions.

Currently, when a member of an emergency medical service begins CPR they are required to continue resuscitation until the person recovers, the EMT or paramedic is relieved by either a medical facility or physician, the responding parties become physically exhausted and no longer able to continue, their physical safety is seriously threatened, or a physician pronounces the person dead.

Many times physicians and medical facilities are not immediately available, and emergency medical response members are required to continue unproductive resuscitation for several hours.

HB 478 would allow an EMT or paramedic to declare death in situations where a physician is not available. This will help emergency response teams who respond to the emergency medical needs of Alaska.

SPONSOR STATEMENT

Alaska State Legislature

REPRESENTATIVE
GENE THERRIAULT
P O. Box 55326
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House District 33



While in Juneau
State Capitol
Juneau, Alaska
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House Of Representatives

Sectional Analysis

HB 478

SECTION 1:

This section makes a technical amendment to AS 09.65.120 DEFINITION OF DEATH, to add mobile intensive care paramedics and emergency medical technicians to the list of individuals who may pronounce death.

SECTION 2:

Section 2 of HB 478 proposes new language, AS 18.08.089 AUTHORITY TO PRONOUNCE DEATH, which introduces detailed circumstances in which a registered mobile intensive care paramedic or a certified emergency medical technician may determine and pronounce the death of a person.

The paramedic or EMT may pronounce a person dead when a physician is not immediately available for consultation by radio or telephone and the paramedic or EMT has determined that the person has suffered irreversible cessation of circulatory and respiratory functions. The EMT or paramedic who determines and pronounces death must be an active member of a certified emergency medical service.

The paramedic or EMT who determines the death shall document the clinical criteria for the determination and pronouncement of death on the person's emergency medical service report form and notify the appropriate medical director as soon as communications can be established. The original bill proposed that the paramedic or EMT complete and sign the death certificate, but currently a medical examiner system is responsible for signing death certificates for out-of-hospital deaths. Therefore I have proposed an amendment which deletes a small section of line 19 of page 2 which refers to the signing of a death certificate by a paramedic or EMT and replaces it by having the EMTs and paramedics present the appropriate authorities with the same information that would be included in the death certificate.

Proposed AS 18.08.089(d)(1) gives the definition of "acceptable medical standards" as injuries incompatible with life, the presence of rigor mortis, the presence of post mortem lividity (i.e. the body has lost all color and has turned gray), or a

failure to show signs of spontaneous pulse or respiratory functions in response to "properly administered resuscitation efforts." Injuries incompatible with life are defined in this section as cardiac arrest accompanied by incineration, decapitation, open head injury with loss of brain matter, or detruncation.

Proposed AS 18.08.089(d)(3) defines "properly administered resuscitation efforts" as at least 30 minutes of CPR on a non-hypothermic patient when a person authorized to perform advanced cardiac life support techniques is not available. When a patient is hypothermic at least 60 minutes of CPR in conjunction with rewarming techniques is required as described in the current State of Alaska Hypothermia and Cold Water Near-Drowning Guidelines published by the Division of Public Health. A minimum of 30 minutes of CPR combined with properly performed advanced life support techniques would be required when a person authorized to provide such services is present.

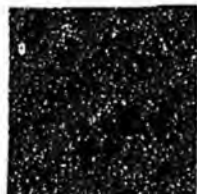
HB 478
House Health, Education & Social
Services Committee Letter of Intent

1. HB 478 REQUIRES ADDITIONAL TRAINING FOR EMTs

The House Health, Education and Social Services committee notes that the range of responsibilities held by emergency medical technicians in Alaska would be expanded by House Bill 478. This expanded responsibility will require that emergency medical technicians be well-trained in recognizing signs of death. It is therefore the intent of the House Health, Education and Social Services committee that the training of emergency medical technicians include specific instruction on the recognition of rigor mortis and of post mortem lividity. This instruction should be part of both the initial training for emergency medical technicians and the continuing education required to maintain currency of an emergency medical technician certificate. It is also the intent of the House Health, Education and Social Services committee that the department, under the authority of AS 18.08.080, amend 7 AAC 26 to include this requirement.

2. HB 478 REQUIRES EXTENSIVE NOTIFICATION

The House Health, Education and Social Services committee notes that the provisions of HB 478 may affect all emergency medical technicians and mobile intensive care paramedics in the state of Alaska. It is therefore imperative that full notification take place as soon as possible after the bill becomes law. It is evident that emergency medical technicians and mobile intensive care paramedics must be notified of this new responsibility, but it is also important that all emergency physicians be notified of this change in a timely manner. It is the intent of the House Health, Education and Social Services committee that, at the earliest practical opportunity after HB 478 becomes law, the department dispatch notifications to each emergency physician in the state as well as to each emergency medical technician and mobile intensive care paramedic in the state.



LASKA STATE MEDICAL ASSOCIATION

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

February 24, 1994

Representative Gene Therriault
Alaska State Legislature
P. O. Box V (MS 3100)
Juneau, AK 99811

Dear Representative Therriault:

Our Legislative Affairs Committee recently discussed your House Bill #478 that would allow paramedics and emergency medical technicians to pronounce death under certain circumstances. While generally supportive of your bill, we would like to suggest some language changes. As your bill is currently written on page two beginning on line eighteen: "Paramedics or EMTs would sign death certificates." As a medical association, we oppose this. There currently exists a medical examiner system which is responsible for signing death certificates for out-of-hospital deaths. We would encourage this system be preserved and lines 19 through 22 on page two be deleted. I would also suggest on page three, line two, the word "or" be changed to "and." This change would make findings of death a bit less subjective for personnel in the field.

If I can be of any other help to you regarding language changes on this bill, please do not hesitate to contact me.

Sincerely yours,

Donald R. Lehmann, M.D., A.B.F.P.
President, Alaska State Medical Association
Chairman, Legislative Affairs Committee

ORL:bj



INTERIOR REGION EMERGENCY MEDICAL SERVICES COUNCIL, INC.



1881 MARIKA ST • FAIRBANKS, ALASKA 99709
PHONE (907) 456-3978 • FAX 456-3870

RATIONALE:

NEED FOR AMMENDMENT:

Mobile intensive care paramedics (paramedics) and emergency medical technicians (EMTs) are often called to respond to medical emergencies in circumstances in which a patient has died, and can not be resuscitated. Under current law, these emergency care providers are generally required to initiate a resuscitation effort, and may not stop the resuscitation except under the following circumstances:

- (1) The patient develops spontaneous cardiac and respiratory activity (i.e. the patient recovers from the cardiac arrest, which is a rather rare outcome in the best of circumstances),
- (2) a physician or coronor determines and pronounces the death of the patient,
- (3) the resuscitation effort is turned over to health care providers with an equal or higher level of certification or licensure, or
- (4) the paramedics or EMTs are so exhausted they are not physically able to maintain the resuscitation effort.

In many areas of Alaska no physician or coronor is immediately available to determine and pronounce the death of a patient. Meanwhile, significant effort and resources are expended on resuscitation efforts that are clearly futile. This is especially true in isolated, rural settings where the combination of inadequate transportation and/or communication resources make it impossible for the paramedic or EMT to gain access to a physician.

The objectives of this proposed amendment to Alaska statutes is to help ensure that all patients receive appropriate emergency medical care, including resuscitation efforts, while allowing paramedics or EMTs to determine and pronounce death in circumstances where either starting or continuing a resuscitation effort are likely to be futile.

STATUTORY SAMPLE: This proposed amendment is written in the same format, using similar language as Sec. 08.60.395 of Alaska Statutes, allowing for determination of death by registered nurses. This format and language was used to promote uniformity and consistency with current statutes.

LIMITATIONS WRITTEN INTO THIS PROPOSAL:

- The paramedic or EMT must be licensed or certified in accordance with Alaska EMS laws and regulations, and must be functioning as a member of a licensed EMS provider agency. This provision helps ensure that only people trained to currently accepted medical standards, and who are working as a part of Alaska's EMS system are authorized to determine and/or pronounce death.

- A licensed physician is not immediately available for consultation by radio or telephone communications. This provision helps ensure that a licensed physician is directly involved in the determination and pronouncement of death whenever it is possible to communicate with a physician. This provision limits the authority of the paramedic or EMT to those circumstances where a death occurs in an isolated or remote setting where radio or telephone communication with a physician is not possible.
- Subsections 3 - 5 limit the authority of the paramedic or EMT to determine and pronounce death only when a resuscitation effort is almost certain to be futile. These limitations include injuries that are incompatible with life, and situations in which a properly performed resuscitation effort fails to restore cardiac and respiratory activity in the patient.
- Subsections (b) and (c) require the paramedic or EMT to document those clinical criteria on which the decision to determine and pronounce death were made, and ensure that each pronouncement is reviewed by the paramedic or EMT's medical director for quality control purposes.

Craig Lewis

Director
Interior Emergency Medical Service Council