

**HB**

**478**

# SENATE COMMITTEE REPORT

DATE: 4/7/94

FURTHER:

DATE TURNED INTO OFFICE: 4/30/94

HESS Committee considered CS FOR HOUSE BILL NO. 478(HES) am

"An Act relating to the authority of mobile intensive care paramedics, physician assistants, and emergency medical technicians to pronounce death under certain circumstances."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ ( )
  - or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( )
  - attaches amendment(s)
- same title
  - new title
  - technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

- do pass
- do not pass
- no recommendation
- individual recommendations

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
Health + Soc Sec	3/9/94	✓	
Health + Soc Sec	3/9/94	✓	

Appropriation No Fiscal Note

**DO PASS:**

Mike Miller  
John Duncan  
Bob Sharp

**OTHER RECOMMENDATIONS:**

John A. Pennington NR

Steve King Do Pass  
 Chair: Signature and Recommendation

# Alaska State Legislature

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

House District: 33



While in session  
State Capitol  
Juneau Alaska  
99801-1182  
(907) 465-4787

## House Of Representatives

### SPONSOR STATEMENT

CS HB 478 (HES) am H

HB 478 The authority of mobile intensive care paramedics, physician assistants, 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, physician assistants, and Emergency Medical Technicians (EMT) to determine and pronounce death under certain circumstances. Registered physician assistants, registered paramedics, and certified EMTs who are active members of a certified emergency medical service may make a determination and pronouncement of death upon determining that a person has suffered irreversible cessation of circulatory and respiratory functions while a physician is not immediately available for consultation by radio or telephone.

Currently, when a member of an emergency medical service begins CPR they are required to continue resuscitation until: the person recovers; the EMT, physician assistant, 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, particularly in rural Alaska, 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, physician assistant, or paramedic to declare death in situations where a physician is not available. This will help emergency response teams to better attend to the emergency medical needs of Alaska.

# Alaska State Legislature

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



Write in Room  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-4707

House District 33

## House Of Representatives

### SECTIONAL ANALYSIS

CS HB 478 (HES) am H

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

SPONSOR: Rep. Gene Therriault

#### SECTION 1:

This section makes a technical amendment to AS 09.65.120 DEFINITION OF DEATH, to add mobile intensive care paramedics, physician assistants, 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, registered physician assistant, or a certified emergency medical technician may determine and pronounce the death of a person.

The paramedic, physician assistant, or EMT may pronounce a person dead when a physician is not immediately available for consultation by radio or telephone and they have determined, by "acceptable medical standards," 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, physician assistant, or EMT who determines the death shall document the clinical criteria for the determination and pronouncement of death and notify the appropriate medical director as soon as communications can be established.

Proposed AS 18.08.089(f)(1) gives the definition of "acceptable medical standards" as injuries incompatible with life, the presence of rigor mortis, the presence of post mortem lividity, 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(f)(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.

# HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES



STATE CAPITOL, JUNEAU 99801  
(907) 465-3759

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.

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

No. 1  
BILL Bill Version: CSHB 478(HES)  
(H) Publish Date: 3/9/94

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						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGES IN REVENUES</b>	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						
<b>TOTAL</b>	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) 455-3090  
 Division: Public Health Date: 02/23/94

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

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
For further distribution information call the Governor's Legislative Office

COMMITTEE COPY

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

FISCAL NOTE

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

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)

	FY95	FY96	FY97	FY98	FY99	FY00
<b>OPERATING</b>						
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 EXPENDITURES</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>CHANGES IN REVENUES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
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						
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: Margaret R. Lowe, M.Ed., Ed.S. Date: \_\_\_\_\_  
Agency: Department of Health & Social Services

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
For further distribution information call the Governor's Legislative Office

**COMMITTEE COPY**

# HOUSE COMMITTEE REPORT

(9)

Date Referred: February 14, 1994

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 3/7/94

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 478

HOUSE BILL NO. 478

EMT'S AUTHORITY TO PRONOUNCE DEATH

"An Act relating to the authority of mobile intensive care paramedics and emergency medical technicians to pronounce death under certain circumstances."

**RECOMMENDATIONS:**

be replaced with CS HB 478 (HESS)  the same title  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: House HESS Comm letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Cost)

APPROVES PREVIOUS: \_\_\_\_\_ (DeputDate)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note H+SS<sup>(2)</sup>

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	X				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				

*[Signature]*  
CHAIRMAN'S SIGNATURE

HOUSE COMMITTEE REPORT

3/29/94  
Rules

(7)  
Date Referred: March 9, 1994

FURTHER REFERRALS:

Date of Committee Action: 3-28-94

The JUDICIARY Committee considered:

HB 478

HOUSE BILL NO. 478

EMT'S AUTHORITY TO PRONOUNCE DEATH

"An Act relating to the authority of mobile intensive care paramedics and emergency medical technicians to pronounce death under certain circumstances."

RECOMMENDATIONS:

be replaced with CS HB 478 (HRS)  the same title  
 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) \_\_\_\_\_

zero fiscal note \_\_\_\_\_ (2)  zero fiscal note(s) 11455 3/9/94

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i> Kott	<input checked="" type="checkbox"/>	<i>[Signature]</i> Green			
<i>[Signature]</i> James	<input checked="" type="checkbox"/>	<i>[Signature]</i> Phillips			
<i>[Signature]</i> Porter	<input checked="" type="checkbox"/>	<i>[Signature]</i> Davidson			
	(3)			(3)	

*[Signature]* Porter  
CHAIRMAN'S SIGNATURE

# Making the call

## Bill would let rescue workers declare death

By ED SCHOENFELD

THE JUNEAU EMPIRE

Joey Peyton still remembers the day he tried to resuscitate the victim of a plane crash near the Bethel Airport.

The emergency medical technician arrived to find a man mangled beyond recognition, bleeding profusely, with bone fragments jutting from his body.

But since there was a heart-beat, Peyton had to try to get air into his lungs and intravenous fluid into his bloodstream.

It didn't work.

"Air was blowing out holes in his chest and holes in his head and holes in his throat," said Peyton, an emergency medical trainer now based in Delta Junction. "The guy was obviously, hopelessly dead. In fact, he was bleeding IV fluid by the time the rescue helicopter got there."

Resuscitation, however, had to continue since there was no one present with sufficient medical authority to declare the man dead.

That would change under a bill that proposes giving some rescue crew workers the power to pronounce death.

House Bill 478 would end the obligation to continue fruitless resuscitation efforts when a doctor or other authority could not be reached to verify death, said sponsor Rep. Gene Therriault, a North Pole Republican.

Giving paramedics and emergency medical technicians the

Please see Bill, back page

## Bill...

Continued from Page 1

power to declare death would lessen trauma to loved ones as well as rescue workers, said Janet North, a Galena EMS coordinator who was involved in an unsuccessful five-hour resuscitation effort last weekend in the community.

"It was pretty distressful to the family and to us," North told a House Health, Education and Social Services Committee hearing this week.

At the hearing, rescue workers from Ketchikan to Fort Yukon told lawmakers of dozens of hours-long resuscitation efforts that should have never taken place.

"Prolonged resuscitation is a mindless and barbaric tradition that will be broken by passing this bill," said Peyton, who now works with a rescue team that responds to accidents along the Alaska Highway. The incident in Bethel occurred about five years ago.

The bill does not give rescue workers permission to declare death in any situation.

It defines conditions, such as rigor mortis, that can be used to proclaim death. It also takes into account cases of drowning and hypothermia, where extended medical attention can revive a seemingly dead victim.

If the bill passes, additional details would also be added, Therriault said.

"I envision there would be some regulatory fleshing out of this so it became real clear to the EMS provider when they did have this authority and when they didn't," he told the committee before it passed out the bill.

Intent language attached to the bill also calls for emergency medical technicians and paramedics to receive additional training in recognizing signs of death.

The bill, recently endorsed by an Alaska State Medical Association's panel, would mostly affect rescue workers in rural areas where it can be hard to reach or locate a person with the authority to proclaim death.

But it would also be practical in Juneau and other cities, where air ambulance workers are sometimes required to continue resuscitation after a patient is beyond any chance of recovery, said Steve Iha, Capital City Fire-Rescue EMS captain.

"Significant amounts of money could be saved by allowing the pre-hospital advisers to stop a resuscitation in the field," Iha said.



# INTERIOR REGION EMERGENCY MEDICAL SERVICES COUNCIL, INC.



1881 MARIKA ST • FAIRBANKS, ALASKA 99709  
PHONE (907) 456-3978 • FAX 456-3970

## 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. 08.68.395 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:

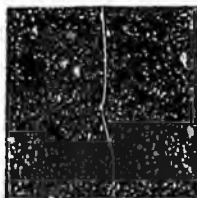
- The paramedic or EMT must be licensed or certified in accordance with Alaska EMS laws and regulations, and must be functioning as a member of a licensed EMS provider agency. This provision helps ensure that only people trained to currently accepted medical standards, and who are working as a part of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

MAR 2 1994



# ALASKA 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 4 (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

DRL:bj