

HB

383

Alaska State Legislature

Interim:

145 Main St. 1.p., 223
Kenai, Alaska 99611
907/283-7095
907/283-3075 fx
907/262-7574 hm

Session:

State Capitol
Juneau, AK 99801
907/465-2693
fx 907/465-3835
800/463-2693

Representative Gary Davis

SPONSOR STATEMENT

Committee Substitute for House Bill 383 (Jud)

"An Act relating to expected deaths that occur at home"

Expected home death describes a circumstance whereby a person has a limited life expectancy and wants to die at home. This person receives care from a home health care or hospice agency. When the individual dies at home, a registered nurse pronounces death and assists the family with contacting the attending physician and funeral director and providing support to the family. Having additional personnel in the home at this time can cause unnecessary stress.

Committee Substitute for House Bill 383(Jud) states it is not necessary for law enforcement to respond to the scene of an expected home death unless requested to do so. Some interpret current law as requiring peace officers to be notified of **and to respond to the scene** of all instances of death. Statutes require the state medical examiner and a peace officer to be notified of deaths that appear to occur under certain circumstances. The types of death include, among others, those caused by unknown or criminal means, those occurring under suspicious or unusual circumstances and those unattended by a practicing physician. In these instances, peace officers **should** respond to the scene of the death upon being notified of its occurrence.

Even though expected home deaths do not fall under any of the above categories, varying interpretations of the phrase "unattended by a practicing physician" have resulted in them being handled differently throughout the state. An expected home death is not "unattended" regardless of whether the physician was physically present at the time of death. In common medical and legal terminology, a patient is "attended" by a physician when that patient is receiving treatment and under the care and supervision of a physician.

Committee Substitute for House Bill 383(Jud) states that peace officers do not need to respond to the scene of an expected home death provided that certain criteria are met. A form signed by the person's physician concerning the expectation that the death would occur due to the person's state of health must be on file with the local law enforcement agency. The death must occur at the dead person's home as expected, and a person authorized to determine and pronounce death must do so. If these criteria are met, a peace officer need not respond to the scene of the death.

The legislation specifies, however, that a person is not prohibited from requesting a peace officer to respond if a death investigation may be appropriate. Nor does it relieve a person of the duty of notifying the medical examiner and peace officer if the death occurs in a manner other than expected.

Death at home can be a natural, smooth occurrence, and removing unnecessary steps and personnel from the situation reduces the trauma to the family. Committee Substitute for House Bill 383(Jud) clarifies statutes to allow this to happen without undue intrusion, while still providing that the interests of the state and the deceased are protected.

Representing House District 8

Cooper Landing, Funny River, Hope, Moose Pass, Seward, Sterling, Soldotna

Representative_Gary_Davis@legis.state.ak.us

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SECTIONAL ANALYSIS

Committee Substitute for House Bill 383 (Jud)

"An Act relating to expected deaths that occur at home"

Section 1 Adds a new section to AS 12.65, "Death Investigations and Medical Examiners," stating that a peace officer does not have to respond to the scene of expected home deaths provided that the following criteria are met:

- 1) the death was expected to occur due to the person's state of health;
- 2) the death occurred as expected due to the person's state of health;
- 3) a person authorized to determine and pronounce death does so; and
- 4) a form signed by the dead person's physician concerning the physician's expectation that the death would occur is on file with the law enforcement agency for that jurisdiction.

Also states a person is not prohibited from requesting a peace officer to respond to the scene if the person feels a death investigation may be appropriate. Additionally the person is not relieved of the duty to notify the medical examiner and peace officer of a death that is described in AS 12.65.005(a), "Duty to notify state medical examiner."

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Representative_Gary_Davis@legis.state.ak.us