



LAWS OF ALASKA

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Source

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Chapter No.

6

AN ACT

Authorizing a registered nurse to determine and pronounce death under certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 29, 1991
Actual Effective Date: August 27, 1991

AN ACT

1 Authorizing a registered nurse to determine and pronounce death under certain
2 circumstances.

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6 * Section 1. AS 08.68 is amended by adding a new section to read:

7 ARTICLE 4A. MISCELLANEOUS PROVISIONS.

8 Sec. 08.68.395. DETERMINATION OF DEATH BY REGISTERED NURSE. (a) A
9 registered nurse licensed under this chapter may make a determination and pronouncement of
10 death of a person under the following circumstances:

11 (1) an attending physician has documented in the person's medical or clinical
12 record that the person's death is anticipated due to illness, infirmity, or disease; this prognosis
13 is valid for purposes of this section for no more than 120 days from the date of the
14 documentation;

15 (2) at the time of documentation under (1) of this subsection, the physician
16 authorized in writing a specific registered nurse or nurses to make a determination and
17 pronouncement of the person's death; however, if the person is in a health care facility and
18 the health care facility has complied with (d) of this section, the physician may authorize all nurses
19 employed by the facility to make a determination and pronouncement of the person's death.

20 (b) A registered nurse who has determined and pronounced death under this section shall
21 document the clinical criteria for the determination and pronouncement in the person's medical

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1 or clinical record and notify the physician who determined that the prognosis for the patient was
2 for an anticipated death. The registered nurse shall sign the death certificate, which must include
3 the

- 4 (1) name of the deceased;
- 5 (2) presence of a contagious disease, if known; and
- 6 (3) date and time of death.

7 (c) Except as otherwise provided under AS 18.50.230, a physician licensed under
8 AS 08.64 shall certify a death determined under (b) of this section within 24 hours after the
9 pronouncement by the registered nurse.

10 (d) In a health care facility in which a physician chooses to proceed under (a) of this
11 section, written policies and procedures shall be adopted that provide for the determination and
12 pronouncement of death by a registered nurse under this section. A registered nurse employed
13 by a health care facility may not make a determination or pronouncement of death under this
14 section unless the facility has written policies and procedures implementing and ensuring
15 compliance with this section.

16 (e) Notwithstanding AS 08.68.400(a)(1), this section applies to a qualified nurse
17 described in AS 08.68.400(a)(1) who is employed by a federal health care facility.

18 (f) The Department of Health and Social Services may adopt regulations to implement
19 this section.

20 (g) In this section,

21 (1) "determination of death" means observation and assessment that a person is
22 dead, as defined in AS 09.65.120;

23 (2) "health care facility" means a private, municipal, state, or federal hospital,
24 psychiatric hospital, tuberculosis hospital, skilled nursing facility, kidney disease treatment center
25 (excluding freestanding hemodialysis units), intermediate care facility, or Alaska Pioneers' Home
26 administered by the Department of Administration under AS 47.55.

27 * Sec. 2. AS 09.65.120 is amended to read:

28 Sec. 09.65.120. DEFINITION OF DEATH. An individual is considered dead if, in the
29 opinion of a physician licensed or exempt from licensing under AS 08.64 or a registered nurse
30 authorized to pronounce death under AS 08.68.395, based on acceptable medical standards the

- 1 individual has sustained irreversible cessation of circulatory and respiratory functions, or
- 2 irreversible cessation of all functions of the entire brain, including the brain stem. Death may be
- 3 pronounced in this circumstance before artificial means of maintaining respiratory and cardiac
- 4 function are terminated.