

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 344 Session of
1991

INTRODUCED BY PISTELLA, FAJT, PETRONE, MICHLOVIC, TRELLO,
MURPHY, COWELL, CESSAR, GIGLIOTTI, ITKIN AND OLASZ,
FEBRUARY 6, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 14, 1991

AN ACT

1 Amending the act of June 29, 1953 (P.L.304, No.66), entitled "An
2 act providing for the administration of a statewide system of
3 vital statistics; prescribing the functions of the State
4 Department of Health, the State Advisory Health Board and
5 local registrars; imposing duties upon coroners,
6 prothonotaries, clerks of orphans' court, physicians,
7 midwives and other persons; requiring reports and
8 certificates for the registration of vital statistics;
9 regulating the disposition of dead bodies; limiting the
10 disclosure of records; prescribing the sufficiency of vital
11 statistics records as evidence; prescribing fees and
12 penalties; and revising and consolidating the laws relating
13 thereto," further providing for LOCAL REGISTRARS' <—
14 COMPENSATION, FOR the medical certification for death
15 certificates and for referrals to coroners.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 105 of the act of June 29, 1953 (P.L.304,
19 No.66), known as the Vital Statistics Law of 1953, is amended by
20 adding a clause to read:

21 Section 105. General Provisions: Definitions.--As used in
22 this act--

23 * * *

1 (9) "Immediate family member" means grandparents, parents,
2 siblings, grandchildren, spouses and children.

3 SECTION 2. SECTION 304 OF THE ACT, AMENDED JUNE 24, 1970 <—
4 (P.L.440, NO.149), IS AMENDED TO READ:

5 SECTION 304. REGISTRATION DISTRICTS: LOCAL REGISTRARS'
6 COMPENSATION.--(A) EACH LOCAL REGISTRAR SHALL BE PAID A FEE OF
7 ONE DOLLAR (\$1) FOR EACH CERTIFICATE TRANSMITTED IN ACCORDANCE
8 WITH THE PROVISIONS OF THIS ACT OR FOR EACH REPORT OF NO
9 CERTIFICATES FILED DURING ANY CALENDAR MONTH. [THE ADVISORY
10 HEALTH BOARD, BY REGULATION, MAY ESTABLISH AND FROM TIME TO TIME
11 REVISE, MAXIMUM LIMITS UPON THE AGGREGATE AMOUNT OF FEES TO BE
12 PAID ANY LOCAL REGISTRARS DURING A GIVEN PERIOD.] THE FEES
13 PRESCRIBED BY THIS SECTION SHALL BE PAID BY THE COMMONWEALTH
14 FROM FUNDS APPROPRIATED TO THE DEPARTMENT.

15 (B) LOCAL REGISTRARS SHALL ISSUE CERTIFICATES OF DEATH FROM
16 ORIGINAL CERTIFICATES OF DEATH IN THEIR POSSESSION UPON
17 COMPLETION OF A PERIOD OF INSTRUCTION ON THE PREPARATION OF
18 CERTIFICATES BY REPRESENTATIVES OF THE DIVISION OF VITAL
19 RECORDS. FOR EACH CERTIFICATE ISSUED, THE LOCAL REGISTRAR SHALL
20 RECEIVE A FEE OF TWO DOLLARS (\$2).

21 (C) A LOCAL REGISTRAR MAY NOT RECEIVE AN AGGREGATE AMOUNT OF
22 FEES IN EXCESS OF THIRTY THOUSAND DOLLARS (\$30,000) IN ANY ONE
23 CALENDAR YEAR.

24 (D) ANY REGULATION INCONSISTENT WITH OR CONTRARY TO THE
25 PROVISIONS OF THIS SECTION IS SUPERSEDED.

26 Section ~~2~~ 3. Sections 502 and 503 of the act, amended <—
27 November 21, 1967 (P.L.516, No.250), are amended to read:

28 Section 502. Death and Fetal Death Registration: Information
29 for Certificates.--In preparing a certificate of death or fetal
30 death, the person in charge of interment or of removal of a dead

1 body or fetal remains from the registration district shall
2 obtain the required information. The following persons shall
3 supply the information certified by their respective signatures:

4 (1) Personal information concerning the deceased or the
5 fetal death shall be supplied by the person best acquainted with
6 the facts.

7 (2) [The] Subject to the limitation contained in clause (3),
8 the medical certification, except in the event of a referral to
9 the coroner pursuant to section five hundred three of this act,
10 shall be supplied (i) in the case of a death, by the physician
11 or (ii) dentist who is a staff member of an approved hospital
12 who attended the deceased during the last illness, provided the
13 death occurs in the hospital and the deceased had been admitted
14 on the dental service, and (iii) in the case of a fetal death,
15 by the attending physician.

16 (3) In all cases where the physician or dentist who would
17 otherwise supply the medical certification is a member of the
18 immediate family of the deceased, the case shall be referred to
19 another physician or dentist who qualifies under clause (2) for
20 a medical certification. In the event a qualified alternate
21 physician or dentist is unavailable or unwilling to provide the
22 medical certification required by law, the case shall be
23 referred to the coroner of the county wherein the death occurred
24 or to a coroner of an adjacent county. In no event shall a
25 coroner sign a certificate of death or fetal death for a
26 deceased who was a member of his immediate family.

27 Section 503. Death and Fetal Death Registration: Coroner
28 Referrals.--The local registrar or person in charge of interment
29 or other person having knowledge of the death or fetal death
30 shall refer to the coroner the following cases: (1) where no

1 physician or dentist who is a staff member of an approved
2 hospital was in attendance during the last illness of the
3 deceased or in the case of a fetal death where there was no
4 attending physician, or (2) where the physician or dentist who
5 is a staff member of an approved hospital in attendance during
6 the last illness of the deceased or the attending physician in
7 the case of a fetal death is physically unable to supply the
8 necessary data, or (3) where the circumstances suggest that the
9 death was sudden or violent or suspicious in nature or was the
10 result of other than natural causes, or (4) where the physician,
11 dentist or coroner who provided or would provide the medical
12 certification is a member of the immediate family of the
13 deceased. In every instance of a referral under this section,
14 the coroner shall make an immediate investigation and shall
15 supply the necessary data, including the medical certification
16 of the death or fetal death. In no event shall a coroner sign a
17 certificate of death or fetal death for a deceased who was a
18 member of his immediate family.

19 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

20 SECTION 507. DEATH AND FETAL DEATH REGISTRATIONS:

21 PRONOUNCEMENT OF DEATH BY A REGISTERED NURSE.--(A) REGISTERED
22 NURSES LICENSED UNDER THE ACT OF MAY 22, 1951 (P.L.317, NO.69),
23 KNOWN AS "THE PROFESSIONAL NURSING LAW," WHO, AS PART OF THEIR
24 EMPLOYMENT, ARE INVOLVED IN DIRECT CARE OF A PATIENT SHALL HAVE
25 THE AUTHORITY TO PRONOUNCE DEATH AS DETERMINED UNDER THE ACT OF
26 DECEMBER 17, 1982 (P.L.1401, NO.323), KNOWN AS THE "UNIFORM
27 DETERMINATION OF DEATH ACT," UNDER THE FOLLOWING CIRCUMSTANCES:

28 (1) IN THE CASE OF DEATH FROM NATURAL CAUSES THAT OCCURS IN
29 THE HOME OR PLACE OF RESIDENCE OF A PATIENT WHO IS UNDER THE
30 CARE OF A PHYSICIAN WHEN THE PHYSICIAN IS UNABLE TO BE PRESENT

1 WITHIN A REASONABLE PERIOD OF TIME TO CERTIFY THE CAUSE OF
2 DEATH.

3 (2) IN THE CASE OF DEATH FROM NATURAL CAUSES THAT OCCURS IN
4 A LICENSED LONG-TERM CARE FACILITY PROVIDING NURSING CARE TO TWO
5 OR MORE PATIENTS, UNRELATED TO THE NURSING HOME ADMINISTRATOR,
6 FOR A PERIOD EXCEEDING TWENTY-FOUR (24) HOURS WHEN THE ATTENDING
7 PHYSICIAN IS UNABLE TO BE PRESENT WITHIN A REASONABLE PERIOD OF
8 TIME TO CERTIFY THE CAUSE OF DEATH.

9 (B) REGISTERED NURSES SHALL HAVE THE AUTHORITY TO RELEASE
10 THE BODY OF THE DECEASED TO A FUNERAL DIRECTOR AFTER NOTICE HAS
11 BEEN GIVEN TO THE ATTENDING PHYSICIAN, WHEN THE DECEASED HAS AN
12 ATTENDING PHYSICIAN, AND TO A FAMILY MEMBER.

13 (C) THE AUTHORITY PROVIDED UNDER THIS ACT SHALL BE LIMITED
14 TO CURRENTLY PRACTICING REGISTERED NURSES:

15 (1) EMPLOYED IN HOME HEALTH CARE THROUGH A HOME HEALTH CARE
16 AGENCY.

17 (2) EMPLOYED OR INVOLVED IN HOSPICE CARE.

18 (3) EMPLOYED IN A LONG-TERM CARE FACILITY.

19 (D) IF CIRCUMSTANCES SURROUNDING THE NATURE OF DEATH ARE NOT
20 ANTICIPATED AND REQUIRE A CORONER'S INVESTIGATION, THE
21 REGISTERED NURSE SHALL NOTIFY THE COUNTY CORONER, AND THE
22 AUTHORITY TO RELEASE THE BODY OF THE DECEASED TO THE FUNERAL
23 DIRECTOR SHALL BE THAT OF THE CORONER.

24 (E) THIS SECTION PROVIDES FOR THE PRONOUNCEMENT OF DEATH BY
25 REGISTERED NURSES IN ACCORDANCE WITH THE "UNIFORM DETERMINATION
26 OF DEATH ACT," BUT IN NO WAY AUTHORIZES A NURSE TO DETERMINE THE
27 CAUSE OF DEATH. THE RESPONSIBILITY FOR DETERMINING THE CAUSE OF
28 DEATH REMAINS WITH THE PHYSICIAN OR THE CORONER AS PROVIDED
29 UNDER THIS ACT.

30 (F) (1) REGISTERED NURSES AND EMPLOYING AGENCIES OF

1 REGISTERED NURSES ACTING IN GOOD FAITH AND IN COMPLIANCE WITH
2 THE GUIDELINES ESTABLISHED BY THIS ACT AND THE STATE BOARD OF
3 NURSING SHALL BE IMMUNE FROM LIABILITY CLAIMS BY REASON OF
4 PRONOUNCING DEATH.

5 (2) NOTHING CONTAINED IN THIS SECTION SHALL BE DEEMED TO
6 IMPOSE ANY OBLIGATION UPON A REGISTERED NURSE TO CARRY OUT THE
7 FUNCTION AUTHORIZED BY THIS ACT.

8 (3) NOTHING IN THIS SECTION IS INTENDED TO RELIEVE A
9 REGISTERED NURSE OF ANY CIVIL OR CRIMINAL LIABILITY THAT MIGHT
10 OTHERWISE BY INCURRED FOR FAILING TO FOLLOW THE RULES AND
11 REGULATIONS OF THE STATE BOARD OF NURSING.

12 (4) NOTHING IN THIS SECTION SHALL PREEMPT THE REQUIREMENTS
13 OF THE PROVISIONS OF 20 PA.C.S. CH. 86 (RELATING TO ANATOMICAL
14 GIFTS).

15 Section 3 5. This act shall take effect in 60 days.

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