

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 909 Session of  
1991

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INTRODUCED BY SAURMAN, VROON, HECKLER, BUNT, FARGO AND  
E. Z. TAYLOR, APRIL 2, 1991

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REFERRED TO COMMITTEE ON HEALTH AND WELFARE, APRIL 2, 1991

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AN ACT

1 Providing authority for pronouncement of death by registered  
2 professional nurses when an anticipated death occurs from  
3 natural causes in the home or place of residence of the  
4 deceased, in hospice care, or in a long-term care facility.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Death  
9 Pronouncement by Registered Nurses Act.

10 Section 2. Legislative intent.

11 It is the intent of the General Assembly and the purpose of  
12 this act to establish uniform guidelines for pronouncement of an  
13 anticipated death from natural causes by certain registered  
14 nurses outside a hospital setting. The General Assembly further  
15 intends to facilitate the release of the dead body, as defined  
16 in the act of June 29, 1953 (P.L.304, No.66), known as the Vital  
17 Statistics Law of 1953, to the funeral director when the  
18 pronouncement of death by the registered nurse has been made.

1 Section 3. Definitions.

2 The following words and phrases when used in this act shall  
3 have the meanings given to them in this section unless the  
4 context clearly indicates otherwise:

5 "Attending physician." A licensed physician, selected by or  
6 assigned to the patient, who has primary responsibility for the  
7 treatment and care of the patient.

8 "Death." Death as determined under the act of December 17,  
9 1982 (P.L.1401, No.323), known as the Uniform Determination of  
10 Death Act.

11 "Funeral director." A licensed funeral director as defined  
12 in the act of January 14, 1952 (1951 P.L.1898, No.522), known as  
13 the Funeral Director Law.

14 "Home health care." The provision of nursing and other  
15 therapeutic services to disabled, aged, injured or sick persons  
16 in their places of residence and other health services provided  
17 to protect and maintain persons in their own homes.

18 "Home health care agency." An organization or part thereof  
19 staffed and equipped to provide nursing and at least one  
20 therapeutic service to disabled, aged, injured or sick persons  
21 in their places of residence. The agency may also provide other  
22 health-related services to protect and maintain persons in their  
23 own homes.

24 "Hospice care." A program of care for terminally ill  
25 patients whose life expectancy is limited to a maximum of six  
26 months and which offers supportive rather than curative care  
27 chosen by the patient, family and physician. The program is  
28 implemented by an interdisciplinary group of professionals  
29 utilizing a coordinated team approach to deliver continuity of  
30 care and counsel.

1 "Hospital." An institution licensed or approved as a  
2 hospital by the Department of Health under the act of July 19,  
3 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

4 "Long-term care facility." A facility that provides either  
5 skilled or intermediate nursing care or both levels of care to  
6 two or more patients, unrelated to the nursing home  
7 administrator, for a period exceeding 24 hours.

8 "Pronouncement of death." Assessment by a registered nurse  
9 that death has occurred.

10 "Registered nurse." An individual licensed under the act of  
11 May 22, 1951 (P.L.317, No.69), known as The Professional Nursing  
12 Law.

13 Section 4. Pronouncement of death.

14 (a) Required circumstances.--Registered nurses who, as part  
15 of their employment, are involved in direct care of a patient  
16 shall have the authority to pronounce death under the following  
17 circumstances:

18 (1) In the case of death from natural causes that occurs  
19 in the home or place of residence of a patient who is under  
20 the care of a physician when the physician is unable to be  
21 present within a reasonable period of time to certify the  
22 cause of death.

23 (2) In the case of death from natural causes that occurs  
24 in a long-term care facility when the attending physician is  
25 unable to be present within a reasonable period of time to  
26 certify the cause of death.

27 (b) Release of body.--Registered nurses shall have the  
28 authority to release the body of the deceased to a funeral  
29 director after notice has been given to the attending physician,  
30 when the deceased has an attending physician, and to a family

1 member.

2 Section 5. Restrictions.

3 (a) Authorized nurses.--The authority provided in this act  
4 shall be limited to the following:

5 (1) Currently practicing registered nurses employed in  
6 home health care through a home health care agency.

7 (2) Currently practicing registered nurses who are  
8 employed or involved in hospice care.

9 (3) Currently practicing registered nurses employed in a  
10 long-term care facility.

11 (b) Suspicious death.--In the event that circumstances  
12 surrounding the nature of the death are not anticipated, which  
13 would require a coroner's investigation, the registered nurse  
14 shall notify the county coroner, and the authority to release  
15 the body of the deceased to the funeral director shall be that  
16 of the coroner.

17 (c) Pronouncement of death.--This act allows the  
18 pronouncement of death by registered nurses in accordance with  
19 the act of December 17, 1982 (P.L.1401, No.323), known as the  
20 Uniform Determination of Death Act, but in no way authorizes a  
21 nurse to determine the cause of death. The responsibility for  
22 determining the cause of death remains with the physician or the  
23 coroner as provided in the act of June 29, 1953 (P.L.304,  
24 No.66), known as the Vital Statistics Law of 1953.

25 Section 6. Liability.

26 (a) Immunity.--Registered nurses and employing agencies of  
27 registered nurses acting in good faith and in compliance with  
28 the guidelines established by this act and the State Board of  
29 Nursing shall be immune from liability claims by reason of  
30 pronouncing death.

1       (b) No obligation.--Nothing contained in this act shall be  
2 deemed to impose any obligation upon a registered nurse to carry  
3 out the function authorized by this act.

4       (c) Other liability.--Nothing in this act is intended to  
5 relieve a registered nurse of any civil or criminal liability  
6 that might otherwise be incurred for failing to follow the rules  
7 and regulations of the State Board of Nursing.

8       Section 7. Rules and Regulations.

9       The State Board of Nursing shall, within 90 days after the  
10 effective date of this act, promulgate such rules and  
11 regulations as may be necessary to carry out the provisions of  
12 this act.

13       Section 8. Effective date.

14       This act shall take effect in 60 days.