

Senate Bill 96

By: Senators Watson of the 1st, Unterman of the 45th, Burke of the 11th, Kirk of the 13th, Hufstetler of the 52nd and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to authorize the pronouncement of death by registered professional nurses, nurse practitioners, or physician assistants of patients in nursing homes even if they are organ donors; to provide for the pronouncement of death by registered professional nurses, nurse practitioners, or physician assistants of patients in hospice care even if they are organ donors; to amend Code Section 45-16-25 of the Official Code of Georgia Annotated, relating to coroner's or county medical examiner's duties after notice of suspicious or unusual death, so as to make a conforming change; to provide for related matters; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising Code Section 31-7-16, relating to determination or pronouncement of death of patient who died in a facility classified as a nursing home, as follows:

"31-7-16.

When a patient dies in any facility classified as a nursing home by the department and operating under a permit issued by the department, a physician assistant, a nurse practitioner, or a registered professional nurse licensed in this state and employed by such nursing home at the time of apparent death of such person, in the absence of a physician, may make the determination and pronouncement of the death of said patient; provided, however, ~~that, when said patient is a registered organ donor, only a physician may make the determination or pronouncement of death; provided, further,~~ that when it appears that a patient died from other than natural causes, only a physician may make the determination or pronouncement of death. Such determination or pronouncement shall be made in writing on a form approved by the department."

**SECTION 2.**

Said title is further amended by revising Code Section 31-7-176.1, relating to determination or pronouncement of death of patients in hospice care, as follows:

"31-7-176.1.

When a patient who is terminally ill or whose death is anticipated and who is receiving hospice care from a licensed hospice dies, a physician assistant, a nurse practitioner, or a registered professional nurse licensed in this state and employed by such hospice at the time of apparent death of such person, in the absence of an attending physician, may make the determination and pronouncement of the death of said patient; ~~provided, however, that, when a hospice patient is a registered organ donor, only a physician may make the determination or pronouncement of death.~~ Such determination or pronouncement shall be made in writing on a form approved by the commissioner of community health."

**SECTION 3.**

Said title is further amended by revising subsection (a) of Code Section 31-10-16, relating to criteria for determining death and immunity from liability, as follows:

"(a) A person may be pronounced dead by a qualified physician, by a registered professional nurse or nurse practitioner authorized to make a pronouncement of death under Code Section 31-7-16 or 31-7-176.1, by an advanced practice registered nurse authorized to make a pronouncement of death under subsection (o) of Code Section 43-34-25, or by a physician assistant authorized to make a pronouncement of death under Code Section 31-7-16 or 31-7-176.1 or subsection (j) of Code Section 43-34-103, if it is determined that the individual has sustained either (1) irreversible cessation of circulatory and respiratory function or (2) irreversible cessation of all functions of the entire brain, including the brain stem."

**SECTION 4.**

Code Section 45-16-25 of the Official Code of Georgia Annotated, relating to coroner's or county medical examiner's duties after notice of suspicious or unusual death, is amended by revising paragraph (1) of subsection (a) as follows:

"(a)(1) Upon receipt of the notice required by Code Section 45-16-24, the coroner or county medical examiner shall immediately take charge of the body. If a registered professional nurse, nurse practitioner, advanced practice registered nurse, or physician assistant authorized to make a pronouncement of death under Code Section 31-10-16 or a qualified physician is not available, a coroner, deputy coroner, or medical examiner's investigator may make a pronouncement of death at the investigation scene if, and only if, one or more of the following conditions is met:

- 61 (A) The body is in a state of rigor mortis with lividity present;
- 62 (B) The body is in a state of decomposition evidenced by a component of putrefaction;
- 63 (C) The body is skeletonized; or
- 64 (D) Death has been established by qualified emergency medical services personnel."

65 **SECTION 5.**

66 All laws and parts of laws in conflict with this Act are repealed.