

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1080 Session of 2024

INTRODUCED BY CULVER, PENNYCUICK, CAPPELLETTI, J. WARD AND SCHWANK, FEBRUARY 23, 2024

REFERRED TO HEALTH AND HUMAN SERVICES, FEBRUARY 23, 2024

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," in death and fetal death registration, providing
 14 for pronouncement of death by a practical nurse.

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

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

20 Section 508. Death and Fetal Death Registration:
 21 Pronouncement of Death by a Practical Nurse.--(a) A practical
 22 nurse shall have the authority to pronounce death if all of the
 23 following are met:

24 (1) The patient is in the care of a licensed hospice.

1 (2) The patient has a valid Do Not Resuscitate Order issued
2 in accordance with the laws of this Commonwealth.

3 (3) The practical nurse is conducting a focused assessment
4 to identify the cessation of circulatory and respiratory
5 functions as provided under the act of December 17, 1982
6 (P.L.1401, No.323), known as the "Uniform Determination of Death
7 Act."

8 (4) The practical nurse has received training in accordance
9 with subsection (e).

10 (b) A practical nurse shall have the authority to release
11 the body of the deceased to a funeral director after notice has
12 been given to the attending physician or certified registered
13 nurse practitioner, if the deceased has an attending physician
14 or certified registered nurse practitioner, and to a family
15 member, as soon as practicable.

16 (c) If circumstances surrounding the nature of death are not
17 anticipated and require a coroner's investigation, the
18 practical nurse shall notify the county coroner, and the
19 authority to release the body of the deceased to the funeral
20 director shall be that of the coroner.

21 (d) Except as provided for under sections 502 and 503, this
22 section provides for the pronouncement of death by a practical
23 nurse in accordance with the "Uniform Determination of Death
24 Act," but in no way authorizes a nurse to determine the cause of
25 death. The responsibility for determining the cause of death
26 remains with the physician, certified registered nurse
27 practitioner or the coroner as provided under this act.

28 (e) The following shall apply to training:

29 (1) In accordance with 42 CFR 418.100 (relating to condition
30 of participation: organization and administration of services)

1 in effect on the effective date of this clause, a hospice shall
2 conduct an initial training upon hiring, an annual training and
3 an annual assessment of the skills and competence of a practical
4 nurse who will assess the vital signs of a patient to determine
5 cessation of circulatory and respiratory function.

6 (2) Each practical nurse must be trained for a minimum of
7 three hours in vital signs training, postmortem care, grief
8 training and circumstances requiring a coroner's investigation.

9 (3) A hospice shall have written policies and procedures
10 describing its method of assessment of competency and maintain a
11 written description of the in-service training provided during
12 the previous twelve months.

13 (f) The following shall apply:

14 (1) A practical nurse and an employing agency of a practical
15 nurse acting in good faith and in compliance with the provisions
16 of this act, the State Board of Nursing and the Department of
17 Health shall be immune from liability claims by reason of
18 pronouncing death under this section.

19 (2) Nothing under this section shall impose an obligation on
20 a practical nurse to carry out the function authorized by this
21 section.

22 (3) Nothing under this section is intended to relieve a
23 practical nurse of civil or criminal liability that might
24 otherwise be incurred for failing to follow the rules and
25 regulations of the State Board of Nursing.

26 (4) Nothing under this section shall preempt the
27 requirements of 20 Pa.C.S. Ch. 86 (relating to anatomical
28 gifts).

29 (g) A practical nurse shall have the authority to pronounce
30 death in accordance with procedural regulations as may be

1 promulgated by the State Board of Nursing within eighteen months
2 of the effective date of this subsection.

3 (h) As used in this section, the term "practical nurse"
4 shall mean a practical nurse who is employed by a licensed
5 hospice, involved in the direct care of a patient of the
6 licensed hospice and is:

7 (1) licensed under the act of March 2, 1956 (1955 P.L.1211,
8 No.376), known as the "Practical Nurse Law"; or

9 (2) authorized to practice practical nursing in this
10 Commonwealth.

11 Section 2. This act shall take effect in 60 days.