

House Bill 944

By: Representatives Gilligan of the 24th, Cooper of the 43rd, Petrea of the 166th, and Jasperse of the 11th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 provide for the pronouncement of death of patients in nursing homes who are organ donors
3 by a physician assistant or a registered professional nurse; to provide for the pronouncement
4 of death of patients in hospice care who are organ donors by a registered professional nurse;
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "31-7-16.

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

22 **SECTION 2.**

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

25 "31-7-176.1.

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

34 **SECTION 3.**

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

37 "(a) A person may be pronounced dead by a qualified physician, by a registered
38 professional nurse authorized to make a pronouncement of death under Code Section
39 31-7-16 or 31-7-176.1 or subsection (e.1) of Code Section 43-34-25, or by a physician
40 assistant authorized to make a pronouncement of death under Code Section 31-7-16 or
41 subsection (j) of Code Section 43-34-103, if it is determined that the individual has
42 sustained either (1) irreversible cessation of circulatory and respiratory function or (2)
43 irreversible cessation of all functions of the entire brain, including the brain stem."

44 **SECTION 4.**

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