

The House Committee on Health and Human Services offers the following substitute to HB 944:

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 registered professional nurse or a physician assistant; to provide for the pronouncement
4 of death of patients in hospice care who are organ donors by a registered professional nurse
5 or physician assistant; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "31-7-16.

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

23 **SECTION 2.**

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

26 "31-7-176.1.

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

35 **SECTION 3.**

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

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

46 **SECTION 4.**

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