

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**

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

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

15 "31-7-16.

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

26 **SECTION 2.**

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

29 "31-7-176.1.

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

38 **SECTION 3.**

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

41 "(a) A person may be pronounced dead by a qualified physician, by a registered  
42 professional nurse or nurse practitioner authorized to make a pronouncement of death under  
43 Code Section 31-7-16 or 31-7-176.1, by an advanced practice registered nurse authorized  
44 to make a pronouncement of death under subsection (o) of Code Section 43-34-25, or by a  
45 physician assistant authorized to make a pronouncement of death under Code Section  
46 31-7-16 or 31-7-176.1 or subsection (j) of Code Section 43-34-103, if it is determined that  
47 the individual has sustained either (1) irreversible cessation of circulatory and respiratory  
48 function or (2) irreversible cessation of all functions of the entire brain, including the brain  
49 stem."

50 **SECTION 4.**

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

54 "(a)(1) Upon receipt of the notice required by Code Section 45-16-24, the coroner or  
55 county medical examiner shall immediately take charge of the body. If a registered  
56 professional nurse, nurse practitioner, advanced practice registered nurse, or physician  
57 assistant authorized to make a pronouncement of death under Code Section 31-10-16 or  
58 a qualified physician is not available, a coroner, deputy coroner, or medical examiner's  
59 investigator may make a pronouncement of death at the investigation scene if, and only  
60 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.