

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1351 Session of 2011

INTRODUCED BY VANCE, ERICKSON, WARD, M. WHITE, BROWNE, KITCHEN, HUGHES, SCHWANK, RAFFERTY, EARLL, ALLOWAY, ARGALL, CORMAN, EICHELBERGER, FOLMER, GREENLEAF, McILHINNEY, PIPPY, ROBBINS, YAW, COSTA, DINNIMAN, FERLO, FONTANA, LEACH, SOLOBAY, WOZNIAK AND YUDICHAK, DECEMBER 19, 2011

REFERRED TO PUBLIC HEALTH AND WELFARE, DECEMBER 19, 2011

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," further providing for death and fetal death
 14 registration information for certificates, for coroner
 15 referrals and for pronouncement of death by a professional
 16 nurse.

17 The General Assembly of the Commonwealth of Pennsylvania
 18 hereby enacts as follows:

19 Section 1. Sections 502, 503 and 507 of the act of June 29,
 20 1953 (P.L.304, No.66), known as the Vital Statistics Law of
 21 1953, amended or added December 20, 1991 (P.L.399, No.46), are
 22 amended to read:

23 Section 502. Death and Fetal Death Registration: Information

1 for Certificates.--In preparing a certificate of death or fetal
2 death, the person in charge of interment or of removal of a dead
3 body or fetal remains from the registration district shall
4 obtain the required information. The following persons shall
5 supply the information certified by their respective signatures:

6 (1) Personal information concerning the deceased or the
7 fetal death shall be supplied by the person best acquainted with
8 the facts.

9 (2) Subject to the limitation contained in clause (3), the
10 medical certification, except in the event of a referral to the
11 coroner pursuant to section five hundred three of this act,
12 shall be supplied (i) in the case of a death, by the physician
13 or certified registered nurse practitioner or (ii) dentist who
14 is a staff member of an approved hospital who attended the
15 deceased during the last illness, provided the death occurs in
16 the hospital and the deceased had been admitted on the dental
17 service, and (iii) in the case of a fetal death, by the
18 attending physician or certified registered nurse practitioner.

19 (3) In all cases where the physician, certified registered
20 nurse practitioner or dentist who would otherwise supply the
21 medical certification is a member of the immediate family of the
22 deceased, the case shall be referred to another physician,
23 certified registered nurse practitioner or dentist who qualifies
24 under clause (2) for a medical certification. In the event a
25 qualified alternate physician, certified registered nurse
26 practitioner or dentist is unavailable or unwilling to provide
27 the medical certification required by law, the case shall be
28 referred to the coroner of the county wherein the death occurred
29 or to a coroner of an adjacent county. In no event shall a
30 coroner sign a certificate of death or fetal death for a

1 deceased who was a member of his immediate family.

2 Section 503. Death and Fetal Death Registration: Coroner
3 Referrals.--The local registrar or person in charge of interment
4 or other person having knowledge of the death or fetal death
5 shall refer to the coroner the following cases: (1) where no
6 physician, certified registered nurse practitioner or dentist
7 who is a staff member of an approved hospital was in attendance
8 during the last illness of the deceased or in the case of a
9 fetal death where there was no attending physician[,] or
10 certified registered nurse practitioner or (2) where the
11 physician, certified registered nurse practitioner or dentist
12 who is a staff member of an approved hospital in attendance
13 during the last illness of the deceased or the attending
14 physician or certified registered nurse practitioner in the case
15 of a fetal death is physically unable to supply the necessary
16 data, or (3) where the circumstances suggest that the death was
17 sudden or violent or suspicious in nature or was the result of
18 other than natural causes, or (4) where the physician, certified
19 registered nurse practitioner, dentist or coroner who provided
20 or would provide the medical certification is a member of the
21 immediate family of the deceased. In every instance of a
22 referral under this section, the coroner shall make an immediate
23 investigation and shall supply the necessary data, including the
24 medical certification of the death or fetal death. In no event
25 shall a coroner sign a certificate of death or fetal death for a
26 deceased who was a member of his immediate family.

27 Section 507. Death and Fetal Death Registrations:
28 Pronouncement of Death by a Professional Nurse.--(a)
29 Professional nurses licensed under the act of May 22, 1951
30 (P.L.317, No.69), known as "The Professional Nursing Law," who

1 are involved in direct care of a patient shall have the
2 authority to pronounce death as determined under the act of
3 December 17, 1982 (P.L.1401, No.323), known as the "Uniform
4 Determination of Death Act," in the case of death from natural
5 causes of a patient who is under the care of a physician or
6 certified registered nurse practitioner when the physician is
7 unable to be present within a reasonable period of time to
8 certify the cause of death.

9 (b) Professional nurses shall have the authority to release
10 the body of the deceased to a funeral director after notice has
11 been given to the attending physician or certified registered
12 nurse practitioner, when the deceased has an attending physician
13 or certified registered nurse practitioner, and to a family
14 member.

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

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

28 (e) (1) Professional nurses and employing agencies of
29 professional nurses acting in good faith and in compliance with
30 the guidelines established by this act and the State Board of

1 Nursing shall be immune from liability claims by reason of
2 pronouncing death.

3 (2) Nothing contained in this section shall be deemed to
4 impose any obligation upon a professional nurse to carry out the
5 function authorized by this act.

6 (3) Nothing in this section is intended to relieve a
7 professional nurse of any civil or criminal liability that might
8 otherwise be incurred for failing to follow the rules and
9 regulations of the State Board of Nursing.

10 (4) Nothing in this section shall preempt the requirements
11 of the provisions of 20 Pa.C.S. Ch. 86 (relating to anatomical
12 gifts).

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