

By: Phelan

H.B. No. 3912

A BILL TO BE ENTITLED

AN ACT

relating to the authority of advanced practice registered nurses to pronounce death and sign death certificates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 671.001(d), Health and Safety Code, is amended to read as follows:

(d) A registered nurse, including an advanced practice registered nurse, or physician assistant may determine and pronounce a person dead in situations other than those described by Subsection (b) if permitted by written policies of a licensed health care facility, institution, or entity providing services to that person. Those policies must include physician assistants who are credentialed or otherwise permitted to practice at the facility, institution, or entity. If the facility, institution, or entity has an organized nursing staff and an organized medical staff or medical consultant, the nursing staff and medical staff or consultant shall jointly develop and approve those policies. The board shall adopt rules to govern policies for facilities, institutions, or entities that do not have organized nursing staffs and organized medical staffs or medical consultants.

SECTION 2. Section 671.002(a), Health and Safety Code, is amended to read as follows:

(a) A physician who determines death in accordance with Section 671.001(b) or a registered nurse, including an advanced

1 practice registered nurse, or physician assistant who determines  
2 death in accordance with Section 671.001(d) is not liable for civil  
3 damages or subject to criminal prosecution for the physician's,  
4 registered nurse's, or physician assistant's actions or the actions  
5 of others based on the determination of death.

6 SECTION 3. Sections 193.005(a), (b), and (c), Health and  
7 Safety Code, are amended to read as follows:

8 (a) A person required to file a death certificate or fetal  
9 death certificate shall obtain the required medical certification  
10 from an attending physician or advanced practice registered nurse  
11 if the death occurred under medical attendance for the care and  
12 treatment of the condition or disease process that contributed to  
13 the death.

14 (b) The attending physician or advanced practice registered  
15 nurse shall complete the medical certification not later than five  
16 days after receiving the death certificate.

17 (c) An associate physician, the chief medical officer of the  
18 institution where the death occurred, an advanced practice  
19 registered nurse, or the physician who performed an autopsy on the  
20 decedent may complete the medical certification if:

21 (1) the attending physician or advanced practice  
22 registered nurse is unavailable;

23 (2) the attending physician or advanced practice  
24 registered nurse approves; and

25 (3) the person completing the medical certification  
26 has access to the medical history of the case and the death is due to  
27 natural causes.

1           SECTION 4. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2015.