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AN ACT

RELATING TO VITAL STATISTICS; ALLOWING PHYSICIAN ASSISTANTS  
TO CERTIFY THE DEATH OF A PATIENT; AMENDING THE REQUIREMENTS  
FOR REFERRALS TO THE STATE MEDICAL INVESTIGATOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 24-14-20 NMSA 1978 (being Laws 1961,  
Chapter 44, Section 18, as amended) is amended to read:

"24-14-20. DEATH REGISTRATION.--

A. A death certificate for each death that occurs  
in this state shall be filed within five days after the death  
and prior to final disposition. The death certificate shall  
be registered by the state registrar if it has been completed  
and filed in accordance with this section, subject to the  
exception provided in Section 24-14-24 NMSA 1978; provided  
that:

(1) if the place of death is unknown but the  
dead body is found in this state, a death certificate shall  
be filed with a local registrar within ten days after the  
occurrence. The place where the body is found shall be shown  
as the place of death. If the date of death is unknown, it  
shall be approximated by the state medical investigator; and

(2) if death occurs in a moving conveyance  
in the United States and the body is first removed from the  
conveyance in this state, the death shall be registered in

1 this state and the place where the body is first removed  
2 shall be considered the place of death. When a death occurs  
3 on a moving conveyance while in international waters or air  
4 space or in a foreign country or its air space and the body  
5 is first removed from the conveyance in this state, the death  
6 shall be registered in this state, but the certificate shall  
7 show the actual place of death insofar as can be determined  
8 by the state medical investigator.

9 B. The funeral service practitioner or person  
10 acting as a funeral service practitioner who first assumes  
11 custody of a dead body shall:

- 12 (1) file the death certificate;
- 13 (2) obtain the personal data from the next  
14 of kin or the best qualified person or source available; and
- 15 (3) obtain the medical certification of  
16 cause of death.

17 C. The medical certification shall be completed  
18 and signed within forty-eight hours after death by the  
19 physician, nurse practitioner or physician assistant in  
20 charge of the patient's care for the illness or condition  
21 that resulted in death, except when inquiry is required by  
22 law. Except as provided in Subsection D of this section, in  
23 the absence of the physician, nurse practitioner or physician  
24 assistant, or with the physician's, the nurse practitioner's  
25 or the physician assistant's approval, the medical

1 certification may be completed and signed by the physician's  
2 associate physician, the nurse practitioner's associate nurse  
3 practitioner, the physician assistant's associate physician  
4 assistant, the chief medical officer of the institution in  
5 which death occurred or the physician who performed an  
6 autopsy on the decedent; provided that the individual has  
7 access to the medical history of the case and views the  
8 deceased at or after death and that death is due to natural  
9 causes.

10 D. Unless there is reasonable cause to believe  
11 that the death is not due to natural causes, a registered  
12 nurse employed by a nursing home or a hospice agency may  
13 pronounce the death of a resident of the nursing home and a  
14 registered nurse employed by a hospital may pronounce the  
15 death of a patient of the hospital. The nurse shall have  
16 access to the medical history of the case and view the  
17 deceased at or after death, and the individual who completes  
18 the medical certification shall not be required to view the  
19 deceased at or after death. The death shall be pronounced  
20 pursuant to procedures or facility protocols prescribed by  
21 the hospital for patients or by the physician who is the  
22 medical director of the nursing home for residents. The  
23 procedures or facility protocols shall ensure that the  
24 medical certification of death is completed in accordance  
25 with the provisions of Subsection C of this section.

1 E. For purposes of this section:

2 (1) "hospital" means a public hospital,  
3 profit or nonprofit private hospital or a general or special  
4 hospital that is licensed as a hospital by the health care  
5 authority;

6 (2) "nurse practitioner" means a registered  
7 nurse who is licensed by the board of nursing for advanced  
8 practice as a certified nurse practitioner and whose name and  
9 pertinent information are entered on the list of certified  
10 nurse practitioners maintained by the board of nursing; and

11 (3) "nursing home" means any nursing  
12 institution or facility required to be licensed under state  
13 law as a nursing facility by the health care authority,  
14 whether proprietary or nonprofit, including skilled nursing  
15 home facilities.

16 F. When death occurs without medical attendance as  
17 set forth in Subsection C or D of this section or when death  
18 occurs more than three hundred sixty-five days after the  
19 decedent was last provided a medical examination, medical  
20 advice or a prescription for medication by a primary care  
21 physician, physician assistant or nurse practitioner, the  
22 case shall be referred to the state medical investigator for  
23 investigation to determine and certify the cause of death.

24 If a physician, physician assistant or nurse practitioner is  
25 unable to certify the cause of death for a decedent by

1 reasonably ascertaining the cause of death from the  
2 decedent's medical history, the case shall be referred to the  
3 state medical investigator for investigation to determine and  
4 certify the cause of death.

5 G. An amended death certificate based on an  
6 anatomical observation shall be filed within thirty days of  
7 the completion of an autopsy." \_\_\_\_\_

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