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SENATE BILL 116

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Allen V. Hurt

AN ACT

RELATING TO VITAL STATISTICS; PROVIDING THAT A REGISTERED NURSE EMPLOYED BY A HOSPITAL MAY PRONOUNCE THE DEATH OF A PATIENT IN CERTAIN CIRCUMSTANCES.

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:

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

7 (2) if death occurs in a moving conveyance in
8 the United States and the body is first removed from the
9 conveyance in this state, the death shall be registered in
10 this state and the place where the body is first removed shall
11 be considered the place of death. When a death occurs on a
12 moving conveyance while in international waters or air space
13 or in a foreign country or its air space and the body is first
14 removed from the conveyance in this state, the death shall be
15 registered in this state, but the certificate shall show the
16 actual place of death insofar as can be determined by the
17 state medical investigator.

18 B. The funeral service practitioner or person
19 acting as a funeral service practitioner who first assumes
20 custody of a dead body shall file the death certificate. He
21 shall obtain the personal data from the next of kin or the
22 best qualified person or source available. He shall obtain
23 the medical certification of cause of death.

24 C. The medical certification shall be completed
25 and signed within forty-eight hours after death by the

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1 physician in charge of the patient's care for the illness or
2 condition that resulted in death, except when inquiry is
3 required by law. Except as provided in Subsection D of this
4 section, in the absence of the physician, or with his
5 approval, the medical certification may be completed and
6 signed by his associate physician, the chief medical officer
7 of the institution in which death occurred or the physician
8 who performed an autopsy on the decedent, provided that
9 individual has access to the medical history of the case,
10 views the deceased at or after death, and death is due to
11 natural causes.

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

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E. For purposes of this section:

(1) "nursing home" means any nursing institution or facility required to be licensed under state law as a nursing facility by the public health division of the department of health, whether proprietary or nonprofit, including skilled nursing home facilities; and

(2) "hospital" means a public hospital, profit or nonprofit private hospital or a general or special hospital that is licensed as a hospital by the department of health.

F. When death occurs without medical attendance as set forth in Subsection C or D of this section or when death occurs more than ten days after the decedent was last treated by a physician, the case shall be referred to the state medical investigator for investigation to determine and certify the cause of death.

G. An amended death certificate based on an anatomical observation [~~must~~] shall be filed within thirty days of the completion of an autopsy. "