HOUSE BILL 170

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

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AN ACT

RELATING TO HEALTH CARE; AMENDING THE VITAL STATISTICS ACT TO
ALLOW NURSE PRACTITIONERS TO COMPLETE AND SIGN MEDICAL
CERTIFICATIONS OF CAUSE OF DEATH.

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

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

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

(1) file the death certificate; [He shall]

(2) obtain the personal data from the next of kin or the best qualified person or source available; [He shall] and

(3) obtain the medical certification of cause of death.

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1   C.   The medical certification shall be completed and

2   signed within forty-eight hours after death by the physician or

3   nurse practitioner in charge of the patient's care for the

4   illness or condition that resulted in death, except when

5   inquiry is required by law.   Except as provided in Subsection D

6   of this section, in the absence of the physician or nurse

7   practitioner, or with [his] the physician's or the nurse

8   practitioner's approval, the medical certification may be

9   completed and signed by [his] the physician's associate

10   physician or the nurse pratitioner's associate nurse

11   practitioner, the chief medical officer of the institution in

12   which death occurred or the physician who performed an autopsy

13   on the decedent; provided that the individual has access to the

14   medical history of the case and views the deceased at or after

15   death and that death is due to natural causes.

16   D.   Unless there is reasonable cause to believe that

17   the death is not due to natural causes, a registered nurse

18   employed by a nursing home may pronounce the death of a

19   resident of the nursing home and a registered nurse employed by

20   a hospital may pronounce the death of a patient of the

21   hospital.   The nurse shall have access to the medical history

22   of the case and view the deceased at or after death, and the

23   individual who completes the medical certification shall not be

24   required to view the deceased at or after death.   The death

25   shall be pronounced pursuant to procedures or facility

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1 protocols prescribed by the hospital for patients or by the

2 physician who is the medical director of the nursing home for

3 residents. The procedures or facility protocols shall ensure

4 that the medical certification of death is completed in

5 accordance with the provisions of Subsection C of this section.

6   E. For purposes of this section:

7   [(1) "nursing home" means any nursing

8 institution or facility required to be licensed under state law

9 as a nursing facility by the public health division of the

10 department of health, whether proprietary or nonprofit,

11 including skilled nursing home facilities; and

12   (2)] (1) "hospital" means a public hospital,

13 profit or nonprofit private hospital or a general or special

14 hospital that is licensed as a hospital by the department of

15 health;

16   (2) "nurse practitioner" means a registered

17 nurse who is licensed by the board of nursing for advanced

18 practice as a certified nurse practitioner and whose name and

19 pertinent information are entered on the list of certified

20 nurse practitioners maintained by the board of nursing; and

21   (3) "nursing home" means any nursing

22 institution or facility required to be licensed under state law

23 as a nursing facility by the public health division of the

24 department of health, whether proprietary or nonprofit,

25 including skilled nursing home facilities.

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underscored material = new
[bracketed material] = delete

1   F.   When death occurs without medical attendance as

2   set forth in Subsection C or D of this section or when death

3   occurs more than ten days after the decedent was last treated

4   by a physician, the case shall be referred to the state medical

5   investigator for investigation to determine and certify the

6   cause of death.

7   G.   An amended death certificate based on an

8   anatomical observation shall be filed within thirty days of the

9   completion of an autopsy."

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