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AN ACT
RELATING TO DEATH REGISTRATION; ALLOWING FOR REGISTERED
NURSES EMPLOYED BY HOSPICE AGENCIES TO MAKE DEATH
PRONOUNCEMENTS.

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 or nurse practitioner in charge of the patient's
20 care for the illness or condition that resulted in death,
21 except when inquiry is required by law. Except as provided
22 in Subsection D of this section, in the absence of the
23 physician or nurse practitioner, or with the physician's or
24 the nurse practitioner's approval, the medical certification
25 may be completed and signed by the physician's associate

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

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

24 E. For purposes of this section:

25 (1) "hospital" means a public hospital,

1 profit or nonprofit private hospital or a general or special
2 hospital that is licensed as a hospital by the department of
3 health;

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

9 (3) "nursing home" means any nursing
10 institution or facility required to be licensed under state
11 law as a nursing facility by the public health division of
12 the department of health, whether proprietary or nonprofit,
13 including skilled nursing home facilities.

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

20 G. An amended death certificate based on an
21 anatomical observation shall be filed within thirty days of
22 the completion of an autopsy." _____

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