

No. 1991-46

AN ACT

HB 344

Amending the act of June 29, 1953 (P.L.304, No.66), entitled "An act providing for the administration of a statewide system of vital statistics; prescribing the functions of the State Department of Health, the State Advisory Health Board and local registrars; imposing duties upon coroners, prothonotaries, clerks of orphans' court, physicians, midwives and other persons; requiring reports and certificates for the registration of vital statistics; regulating the disposition of dead bodies; limiting the disclosure of records; prescribing the sufficiency of vital statistics records as evidence; prescribing fees and penalties; and revising and consolidating the laws relating thereto," further providing for local registrars' compensation, for the medical certification for death certificates and for referrals to coroners.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 105 of the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, is amended by adding a clause to read:

Section 105. General Provisions: Definitions.—As used in this act—

* * *

(9) "Immediate family member" means grandparents, parents, siblings, grandchildren, spouses and children.

Section 2. Section 304 of the act, amended June 24, 1970 (P.L.440, No.149), is amended to read:

Section 304. Registration Districts: Local Registrars' Compensation.—

(a) Each local registrar shall be paid a fee of one dollar (\$1) for each certificate transmitted in accordance with the provisions of this act or for each report of no certificates filed during any calendar month. [The Advisory Health Board, by regulation, may establish and from time to time revise, maximum limits upon the aggregate amount of fees to be paid any local registrars during a given period.] The fees prescribed by this section shall be paid by the Commonwealth from funds appropriated to the department.

(b) Local registrars shall issue certificates of death from original certificates of death in their possession upon completion of a period of instruction on the preparation of certificates by representatives of the Division of Vital Records. For each certificate issued, the local registrar shall receive a fee of two dollars (\$2).

(c) A local registrar may not receive an aggregate amount of fees in excess of thirty-five thousand dollars (\$35,000) in any one calendar year.

(d) Any regulation inconsistent with or contrary to the provisions of this section is superseded.

Section 3. Sections 502 and 503 of the act, amended November 21, 1967 (P.L.516, No.250), are amended to read:

Section 502. Death and Fetal Death Registration: Information for Certificates.—In preparing a certificate of death or fetal death, the person in charge of interment or of removal of a dead body or fetal remains from the registration district shall obtain the required information. The following persons shall supply the information certified by their respective signatures:

(1) Personal information concerning the deceased or the fetal death shall be supplied by the person best acquainted with the facts.

(2) **[The] Subject to the limitation contained in clause (3), the** medical certification, except in the event of a referral to the coroner pursuant to section five hundred three of this act, shall be supplied (i) in the case of a death, by the physician or (ii) dentist who is a staff member of an approved hospital who attended the deceased during the last illness, provided the death occurs in the hospital and the deceased had been admitted on the dental service, and (iii) in the case of a fetal death, by the attending physician.

(3) *In all cases where the physician or dentist who would otherwise supply the medical certification is a member of the immediate family of the deceased, the case shall be referred to another physician or dentist who qualifies under clause (2) for a medical certification. In the event a qualified alternate physician or dentist is unavailable or unwilling to provide the medical certification required by law, the case shall be referred to the coroner of the county wherein the death occurred or to a coroner of an adjacent county. In no event shall a coroner sign a certificate of death or fetal death for a deceased who was a member of his immediate family.*

Section 503. Death and Fetal Death Registration: Coroner Referrals.—The local registrar or person in charge of interment or other person having knowledge of the death or fetal death shall refer to the coroner the following cases: (1) where no physician or dentist who is a staff member of an approved hospital was in attendance during the last illness of the deceased or in the case of a fetal death where there was no attending physician, or (2) where the physician or dentist who is a staff member of an approved hospital in attendance during the last illness of the deceased or the attending physician in the case of a fetal death is physically unable to supply the necessary data, or (3) where the circumstances suggest that the death was sudden or violent or suspicious in nature or was the result of other than natural causes, or (4) *where the physician, dentist or coroner who provided or would provide the medical certification is a member of the immediate family of the deceased.* In every instance of a referral under this section, the coroner shall make an immediate investigation and shall supply the necessary data, including the medical certification of the death or fetal death. *In no event shall a coroner sign a certificate of death or fetal death for a deceased who was a member of his immediate family.*

Section 4. The act is amended by adding a section to read:

Section 507. Death and Fetal Death Registrations: Pronouncement of Death by a Professional Nurse.—(a) *Professional nurses licensed under the act of May 22, 1951 (P.L.317, No.69), known as "The Professional Nursing Law," who are involved in direct care of a patient shall have the authority to pronounce death as determined under the act of December 17, 1982*

(P.L. 1401, No. 323), known as the "Uniform Determination of Death Act," in the case of death from natural causes of a patient who is under the care of a physician when the physician is unable to be present within a reasonable period of time to certify the cause of death.

(b) Professional nurses shall have the authority to release the body of the deceased to a funeral director after notice has been given to the attending physician, when the deceased has an attending physician, and to a family member.

(c) If circumstances surrounding the nature of death are not anticipated and require a coroner's investigation, the professional nurse shall notify the county coroner, and the authority to release the body of the deceased to the funeral director shall be that of the coroner.

(d) This section provides for the pronouncement of death by professional nurses in accordance with the "Uniform Determination of Death Act," but in no way authorizes a nurse to determine the cause of death. The responsibility for determining the cause of death remains with the physician or the coroner as provided under this act.

(e) (1) Professional nurses and employing agencies of professional nurses acting in good faith and in compliance with the guidelines established by this act and the State Board of Nursing shall be immune from liability claims by reason of pronouncing death.

(2) Nothing contained in this section shall be deemed to impose any obligation upon a professional nurse to carry out the function authorized by this act.

(3) Nothing in this section is intended to relieve a professional nurse of any civil or criminal liability that might otherwise be incurred for failing to follow the rules and regulations of the State Board of Nursing.

(4) Nothing in this section shall preempt the requirements of the provisions of 20 Pa.C.S. Ch. 86 (relating to anatomical gifts).

Section 5. This act shall take effect in 60 days.

APPROVED—The 20th day of December, A. D. 1991.

ROBERT P. CASEY