

COMMITTEE ON HEALTH, HOSPITALS
AND HUMAN SERVICES

BILL NO. 34-0028

Thirty-Fourth Legislature of the Virgin Islands

April 9, 2021

An Act amending title 19 Virgin Islands Code, chapter 37, subchapter III adding section 870 to authorized registered nurses and certified registered nurse practitioners employed by a certified home health agency, hospice, or nursing home to determine and pronounce death under certain specified conditions; and requiring the Department of Health to promulgate implementing regulations

PROPOSED BY: Senator Novelle E. Francis, Jr.

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 19 Virgin Islands Code, chapter 37, subchapter III is amended by adding a section 870, to read as follows:

“§870. Pronouncement of death by registered nurses and certified registered nurse practitioners; conditions

(a) As used in this section:

(1) “Anticipated Death” means death that is, in the opinion of the attending physician, expected due to illness, infirmity, or disease.

1 (2) “Attending Physician” means the physician who has primary
2 responsibility for the treatment and care of the patient.

3 (3) “Pronouncement of Death” means the declaration by the attending
4 physician, medical examiner, registered nurse, certified registered nurse
5 practitioner, or other person authorized by law, who has made the determination
6 of death in accordance with section 869 as recorded in the patient’s medical record
7 or other record in accordance with this section.

8 (b) A registered nurse, or a certified registered nurse practitioner employed by a
9 certified home health agency, hospice or nursing home may make a determination of and
10 pronounce the death of a patient if:

11 (1) The patient’s death was anticipated;

12 (2) The patient was under the care of the services of a home health
13 agency, nursing home, or licensed hospice, program;

14 (3) Reasonable effort was made to contact the attending physician of the
15 patient or medical examiner before the determination or pronouncement of
16 death; and

17 (4) The pronouncement of death is made on a form approved by the
18 Commissioner of Health and subscribed to under penalty of perjury.

19 (c) The attending physician shall authorize, in writing, and make a part of the patient’s
20 chart, the name or names of the registered nurses or certified registered nurse practitioners
21 authorized to make a pronouncement of death.

22 (d) The body of the decedent may not be removed until notice of the pronouncement
23 of death has been given to the attending physician or the medical examiner.

(e) The Department of Health shall promulgate regulations necessary to carry out the purpose of this section.

SECTION 2. The Department of Health shall promulgate regulations implementing the provisions for section 1 not later than 180 days of enactment after this act.”

BILL SUMMARY

The bill amends title 19 Virgin Islands Code, chapter 37, subchapter III by adding section 870 which allows a registered nurse, or a certified registered nurse practitioner employed by a certified home health agency, hospice, or nursing home to make a determination of and pronounce the death of a patient under certain conditions. The bill also establishes the conditions under which a pronouncement of death may be made; requires that the attending physician authorize in writing the names of the registered nurses, or certified registered nurse practitioners authorized to make a pronouncement of death; and provides that the body of the decedent may not be removed until notice of the pronouncement has been given to the attending physician or the medical examiner. Finally, section 1 of the bill requires that the Department of Health shall promulgate rules and regulations implementing the provisions of this section within 180 days of enactment of this statute. Section 2 requires the Department of Health shall promulgate regulations implementing the provisions for section 1 within 180 days of enactment of this act.

BR21-0241/March 26, 2021/GC

DRAFTER'S NOTE

TITLE 27 VIC, CHAPTER 1, SUBCHAPTER IIb GOERNS PHYSICIAN ASSISTANTS. UNDER THAT SUBCHAPTER, A PHYSICIAN ASSISTANT, WITH APPROVAL FROM THE SUPERVISING PHYSICIAN HAS UNFETTERED AUTHORITY TO PRONOUNCE DEATH WITHOUT THE STRICTURES OF 19 VIC § 870. A PHYSICIAN ASSISTANTS IS CONSIDERED THE AGENT OF HIS OR HER SUPERVISING PHYSICIAN.