

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1080 Session of 2024

INTRODUCED BY CULVER, PENNYCUICK, CAPPELLETTI, J. WARD, SCHWANK AND FARRY, FEBRUARY 23, 2024

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 7, 2024

AN ACT

1 Amending the act of June 29, 1953 (P.L.304, No.66), entitled "An
2 act providing for the administration of a statewide system of
3 vital statistics; prescribing the functions of the State
4 Department of Health, the State Advisory Health Board and
5 local registrars; imposing duties upon coroners,
6 prothonotaries, clerks of orphans' court, physicians,
7 midwives and other persons; requiring reports and
8 certificates for the registration of vital statistics;
9 regulating the disposition of dead bodies; limiting the
10 disclosure of records; prescribing the sufficiency of vital
11 statistics records as evidence; prescribing fees and
12 penalties; and revising and consolidating the laws relating
13 thereto," in death and fetal death registration, providing <--
14 for pronouncement of death by a practical nurse. IN GENERAL <--
15 PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; IN DEATH AND
16 FETAL DEATH REGISTRATION, PROVIDING FOR PRONOUNCEMENT OF
17 DEATH BY A PRACTICAL NURSE; AND, IN RECORDS, FURTHER
18 PROVIDING FOR FEES FOR COPIES.

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

21 ~~Section 1. The act of June 29, 1953 (P.L.304, No.66), known <--~~
22 ~~as the Vital Statistics Law of 1953, is amended by adding a~~
23 ~~section to read:~~

24 SECTION 1. SECTION 105 INTRODUCTORY PARAGRAPH OF THE ACT OF <--
25 JUNE 29, 1953 (P.L.304, NO.66), KNOWN AS THE VITAL STATISTICS

1 LAW OF 1953, IS AMENDED TO READ:

2 SECTION 105. GENERAL PROVISIONS: DEFINITIONS.--AS USED IN  
3 THIS ACT, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE  
4 MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT  
5 CLEARLY INDICATES OTHERWISE--

6 \* \* \*

7 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

8 Section 508. Death and Fetal Death Registration:

9 Pronouncement of Death by a Practical Nurse.--(a) A practical  
10 nurse shall have the authority to pronounce death if all of the  
11 following are met:

12 (1) The patient is in the care of a licensed hospice.

13 (2) The patient has a valid Do Not Resuscitate Order issued  
14 in accordance with the laws of this Commonwealth.

15 (3) The practical nurse is conducting a focused assessment  
16 to identify the cessation of circulatory and respiratory  
17 functions as provided under the act of December 17, 1982  
18 (P.L.1401, No.323), known as the "Uniform Determination of Death  
19 Act."

20 (4) The practical nurse has received training in accordance  
21 with subsection (e).

22 (b) A practical nurse shall have the authority to release  
23 the body of the deceased to a funeral director after notice has  
24 been given to the attending physician or certified registered  
25 nurse practitioner, if the deceased has an attending physician  
26 or certified registered nurse practitioner, and to a family  
27 member, as soon as practicable.

28 (c) If circumstances surrounding the nature of death are not  
29 anticipated and require a coroner's investigation, the  
30 practical nurse shall notify the county coroner, and the

1 authority to release the body of the deceased to the funeral  
2 director shall be that of the coroner.

3 (d) Except as provided for under sections 502 and 503, this  
4 section provides for the pronouncement of death by a practical  
5 nurse in accordance with the "Uniform Determination of Death  
6 Act," but in no way authorizes a nurse to determine the cause of  
7 death. The responsibility for determining the cause of death  
8 remains with the physician, certified registered nurse  
9 practitioner or the coroner as provided under this act.

10 (e) The following shall apply to training:

11 (1) In accordance with 42 CFR 418.100 (relating to condition  
12 of participation: organization and administration of services)  
13 in effect on the effective date of this clause, a hospice shall  
14 conduct an initial training upon hiring, an annual training and  
15 an annual assessment of the skills and competence of a practical  
16 nurse who will assess the vital signs of a patient to determine  
17 cessation of circulatory and respiratory function.

18 (2) Each practical nurse must be trained for a minimum of  
19 three hours in vital signs training, postmortem care, grief  
20 training and circumstances requiring a coroner's investigation.

21 (3) A hospice shall have written policies and procedures  
22 describing its method of assessment of competency and maintain a  
23 written description of the in-service training provided during  
24 the previous twelve months.

25 (f) The following shall apply:

26 (1) A practical nurse and an employing agency of a practical  
27 nurse acting in good faith and in compliance with the provisions  
28 of this act, THE REGULATIONS OF the State Board of Nursing and <--  
29 THE REGULATIONS OF the Department of Health shall be immune from <--  
30 liability claims by reason of pronouncing death under this

1 section.

2 (2) Nothing under this section shall impose an obligation on  
3 a practical nurse to carry out the function authorized by this  
4 section.

5 (3) Nothing under this section is intended to relieve a  
6 practical nurse of civil or criminal liability that might  
7 otherwise be incurred for failing to follow the rules and  
8 regulations of the State Board of Nursing.

9 (4) Nothing under this section shall preempt the  
10 requirements of 20 Pa.C.S. Ch. 86 (relating to anatomical  
11 gifts).

12 (g) A practical nurse shall have the authority to pronounce  
13 death in accordance with ~~procedural~~ regulations as may be <--  
14 promulgated by the State Board of Nursing within eighteen months  
15 of the effective date of this subsection.

16 (h) As used in this section, the term "practical nurse"  
17 shall mean a practical nurse who is employed by a licensed  
18 hospice, involved in the direct care of a patient of the  
19 licensed hospice and is:

20 (1) licensed under the act of March 2, 1956 (1955 P.L.1211,  
21 No.376), known as the "Practical Nurse Law"; or

22 (2) authorized to practice practical nursing in this  
23 Commonwealth.

24 SECTION 3. SECTION 807(C) OF THE ACT IS AMENDED AND THE <--  
25 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

26 SECTION 807. RECORDS: FEES FOR COPIES.--\* \* \*

27 [(C) NO FEE SHALL BE CHARGED FOR CERTIFIED COPIES OF RECORDS  
28 OR PARTS THEREOF FURNISHED MEMBERS OF THE ARMED FORCES OF THE  
29 UNITED STATES AND THEIR DEPENDENTS DURING THEIR TERM OF ACTIVE  
30 SERVICE AND AFTER THEIR DEATH IN SERVICE OR HONORABLE DISCHARGE

1 THEREFROM.]

2 (D) SUBJECT TO SUBSECTION (E), NO FEE SHALL BE CHARGED FOR  
3 CERTIFIED COPIES OF RECORDS OR PARTS THEREOF FOR ANY OF THE  
4 FOLLOWING:

5 (1) AN INDIVIDUAL WHO CURRENTLY SERVES IN THE UNITED STATES  
6 ARMED FORCES, INCLUDING A RESERVE COMPONENT OR THE NATIONAL  
7 GUARD.

8 (2) A MEMBER OF THE UNITED STATES ARMED FORCES, INCLUDING A  
9 RESERVE COMPONENT OR THE NATIONAL GUARD, WHO WAS KILLED OR DIES  
10 AS A RESULT OF INJURIES RECEIVED WHILE ON OFFICIAL DUTY STATUS  
11 AUTHORIZED UNDER FEDERAL OR STATE LAW.

12 (3) A VETERAN.

13 (4) A SPOUSE OF AN INDIVIDUAL SPECIFIED UNDER PARAGRAPH (1),  
14 (2) OR (3).

15 (5) A DEPENDENT OF AN INDIVIDUAL SPECIFIED UNDER PARAGRAPH  
16 (1), (2) OR (3).

17 (E) THE FEE WAIVER UNDER SUBSECTION (D) SHALL ONLY APPLY TO  
18 THE FOLLOWING APPLICANTS FOR CERTIFIED COPIES OF RECORDS OR  
19 PARTS THEREOF:

20 (1) AN APPLICANT WHO IS AN INDIVIDUAL SPECIFIED UNDER  
21 SUBSECTION (D) (1) OR (3).

22 (2) AN APPLICANT WHO IS A SPOUSE OF AN INDIVIDUAL SPECIFIED  
23 UNDER SUBSECTION (D) (1), (2) OR (3).

24 (3) AN APPLICANT WHO IS A REPRESENTATIVE OF A DEPENDENT  
25 CHILD OF A DECEASED VETERAN OR AN INDIVIDUAL SPECIFIED UNDER  
26 SUBSECTION (D) (2). THIS PARAGRAPH SHALL ONLY APPLY TO A REQUEST  
27 MADE FOR A CERTIFIED COPY OF A CERTIFICATE OF DEATH.

28 (4) AN APPLICANT WHO IS A REPRESENTATIVE OF THE ESTATE OF AN  
29 INDIVIDUAL SPECIFIED UNDER SUBSECTION (D) (1), (2), (3) OR (4).  
30 THIS PARAGRAPH SHALL ONLY APPLY TO A REQUEST MADE FOR A

1 CERTIFIED COPY OF A CERTIFICATE OF DEATH.

2 (5) AN APPLICANT THAT IS A FUNERAL ESTABLISHMENT RESPONSIBLE  
3 FOR FILING THE DEATH RECORD OF AN INDIVIDUAL SPECIFIED UNDER  
4 SUBSECTION (D). THIS PARAGRAPH SHALL ONLY APPLY TO A REQUEST  
5 MADE FOR A CERTIFIED COPY OF A CERTIFICATE OF DEATH.

6 (F) THE FEE WAIVER UNDER SUBSECTION (D) SHALL APPLY  
7 REGARDLESS OF WHETHER AN INDIVIDUAL SPECIFIED UNDER SUBSECTION  
8 (D) (2) OR (3) PREDECEASED OR SURVIVED ANY OTHER INDIVIDUAL WHO  
9 QUALIFIES FOR THE FEE WAIVER.

10 (G) THE FEE WAIVER UNDER SUBSECTION (D) SHALL APPLY TO THE  
11 FIRST TEN (10) CERTIFIED COPIES OF THE SAME RECORD OR PARTS  
12 THEREOF ISSUED BY, OR ON BEHALF OF, THE DEPARTMENT DURING A  
13 CALENDAR YEAR FOR AN APPLICANT UNDER SUBSECTION (E).

14 (H) AS USED IN THIS SECTION, THE TERM "VETERAN" MEANS AN  
15 INDIVIDUAL WHO SERVED IN THE UNITED STATES ARMED FORCES,  
16 INCLUDING A RESERVE COMPONENT OR THE NATIONAL GUARD, AND WHO WAS  
17 DISCHARGED OR RELEASED FROM SERVICE UNDER CONDITIONS OTHER THAN  
18 DISHONORABLE.

19 Section 2 4. This act shall take effect in 60 days.

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