

Grundberg, Chair
Boddicker
Mertz

HSB 59

Succeede JUDICIARY
SF (HF) 354

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LARSON)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the pronouncement of death by a licensed
2 practical nurse or a registered nurse.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 152.1, subsection 4, Code 2001, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. c. Make the pronouncement of death for a
4 patient whose death occurs in a licensed hospital, a licensed
5 health care facility, a Medicare-certified home health agency,
6 or a Medicare-certified hospice program.

7 Sec. 2. Section 152.1, subsection 6, Code 2001, is amended
8 by adding the following new paragraph after paragraph d:

9 NEW PARAGRAPH. dd. Make the pronouncement of death for a
10 patient whose death occurs in a licensed hospital, a licensed
11 health care facility, a Medicare-certified home health agency,
12 or a Medicare-certified hospice program.

13 Sec. 3. Section 152.1, subsection 6, paragraph e, Code
14 2001, is amended to read as follows:

15 e. Apply to the abilities enumerated in paragraphs "a"
16 through "d" "dd" of this subsection scientific principles,
17 including the principles of nursing skills and of biological,
18 physical, and psychosocial sciences.

19 Sec. 4. Section 702.8, Code 2001, is amended to read as
20 follows:

21 702.8 DEATH.

22 "Death" means the condition determined by the following
23 standard: A person will be considered dead if in the
24 announced opinion of a physician, a registered nurse, or a
25 licensed practical nurse, based on ordinary standards of
26 medical practice, that person has experienced an irreversible
27 cessation of spontaneous respiratory and circulatory
28 functions. In the event that artificial means of support
29 preclude a determination that these functions have ceased, a
30 person will be considered dead if in the announced opinion of
31 two physicians, based on ordinary standards of medical
32 practice, that person has experienced an irreversible
33 cessation of spontaneous brain functions. Death will have
34 occurred at the time when the relevant functions ceased.

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EXPLANATION

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1 This bill authorizes a licensed practical nurse or a
2 registered nurse to pronounce death for a patient whose death
3 occurs in a licensed hospital, a licensed health care
4 facility, a Medicare-certified home health agency, or a
5 Medicare-certified hospice program.

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REPRINTED

FEB 21 2001

Place On Calendar

HOUSE FILE 354

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 59)

Passed House, ^(P. 530) Date 2/28/01 Passed Senate, ^(P. 132) Date 4/25/01
 Vote: Ayes 96 Nays 0 Vote: Ayes 47 Nays 0
 Approved 5/3/01

A BILL FOR

1 An Act relating to the pronouncement of death by a physician
 2 assistant, a licensed practical nurse, or a registered nurse.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 354

1 Section 1. Section 148C.4, Code 2001, is amended to read
2 as follows:

3 148C.4 SERVICES PERFORMED BY ASSISTANTS.

4 A physician assistant may perform medical services when the
5 services are rendered under the supervision of the physician
6 or physicians specified in the physician assistant license
7 approved by the board. A trainee may perform medical services
8 when the services are rendered within the scope of an approved
9 program. For the purposes of this section, "medical services
10 rendered under the supervision of the physician or physicians
11 specified in the physician assistant license approved by the
12 board" includes making a pronouncement of death for a patient
13 whose death is anticipated if the death occurs in a licensed
14 hospital, a licensed health care facility, a Medicare-
15 certified home health agency, or a Medicare-certified hospice
16 facility, with notice of the death to a physician and in
17 accordance with the directions of a physician.

18 Sec. 2. Section 152.1, subsection 4, Code 2001, is amended
19 by adding the following new paragraph:

20 NEW PARAGRAPH. c. Make the pronouncement of death for a
21 patient whose death is anticipated if the death occurs in a
22 licensed hospital, a licensed health care facility, a
23 Medicare-certified home health agency, or a Medicare-certified
24 hospice program or facility, with notice of the death to a
25 physician and in accordance with any directions of a
26 physician.

27 Sec. 3. Section 152.1, subsection 6, Code 2001, is amended
28 by adding the following new paragraph after paragraph d:

29 NEW PARAGRAPH. dd. Make the pronouncement of death for a
30 patient whose death is anticipated if the death occurs in a
31 licensed hospital, a licensed health care facility, a
32 Medicare-certified home health agency, or a Medicare-certified
33 hospice program or facility, with notice of the death to a
34 physician and in accordance with any directions of a
35 physician.

1 Sec. 4. Section 152.1, subsection 6, paragraph e, Code
2 2001, is amended to read as follows:

3 e. Apply to the abilities enumerated in paragraphs "a"
4 through "d" "dd" of this subsection scientific principles,
5 including the principles of nursing skills and of biological,
6 physical, and psychosocial sciences.

7 Sec. 5. Section 702.8, Code 2001, is amended to read as
8 follows:

9 702.8 DEATH.

10 "Death" means the condition determined by the following
11 standard: A person will be considered dead if in the
12 announced opinion of a physician, licensed pursuant to chapter
13 148, 150, or 150A, a physician assistant licensed pursuant to
14 chapter 148C, a registered or licensed practical nurse
15 licensed pursuant to chapter 152, based on ordinary standards
16 of medical practice, that person has experienced an
17 irreversible cessation of spontaneous respiratory and
18 circulatory functions. In the event that artificial means of
19 support preclude a determination that these functions have
20 ceased, a person will be considered dead if in the announced
21 opinion of two physicians, based on ordinary standards of
22 medical practice, that person has experienced an irreversible
23 cessation of spontaneous brain functions. Death will have
24 occurred at the time when the relevant functions ceased.

25 EXPLANATION

26 This bill authorizes a physician assistant, a licensed
27 practical nurse, or a registered nurse to pronounce death for
28 a patient whose death is anticipated and occurs in a licensed
29 hospital, a licensed health care facility, a Medicare-
30 certified home health agency, or a Medicare-certified hospice
31 program or facility.

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HOUSE FILE 354

H-1075

1 Amend House File 354 as follows:

2 1. Page 1, line 15, by inserting after the word

3 "hospice" the following: "program or".

4 2. Page 2, line 12 by striking the word

5 "physician," and inserting the following:

6 "physician~~r~~".

7 3. Page 2, by striking line 14 and inserting the

8 following: "chapter 148C, or a registered nurse or a

9 licensed practical nurse".

By GRUNDBERG of Polk

H-1075 FILED FEBRUARY 22, 2001

Adopted
2/28/01 (p. 529)

S-3/1/01 Hummel Res
S-4/5/01 Do Pass
S-4/12/01 UNFINISHED BUSINESS CALENDAR

HOUSE FILE 354
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 59)

(As Amended and Passed by the House February 28, 2001)

Passed House, Date (P. 529) 2-28-01 Passed Senate, Date (P. 1312) 4/25/01
Vote: Ayes 96 Nays 0 Vote: Ayes 47 Nays 0
Approved 5/3/01

A BILL FOR

1 An Act relating to the pronouncement of death by a physician
2 assistant, a licensed practical nurse, or a registered nurse.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 148C.4, Code 2001, is amended to read
2 as follows:

3 148C.4 SERVICES PERFORMED BY ASSISTANTS.

4 A physician assistant may perform medical services when the
5 services are rendered under the supervision of the physician
6 or physicians specified in the physician assistant license
7 approved by the board. A trainee may perform medical services
8 when the services are rendered within the scope of an approved
9 program. For the purposes of this section, "medical services
10 rendered under the supervision of the physician or physicians
11 specified in the physician assistant license approved by the
12 board" includes making a pronouncement of death for a patient
13 whose death is anticipated if the death occurs in a licensed
14 hospital, a licensed health care facility, a Medicare-
15 certified home health agency, or a Medicare-certified hospice
16 program or facility, with notice of the death to a physician
17 and in accordance with the directions of a physician.

18 Sec. 2. Section 152.1, subsection 4, Code 2001, is amended
19 by adding the following new paragraph:

20 NEW PARAGRAPH. c. Make the pronouncement of death for a
21 patient whose death is anticipated if the death occurs in a
22 licensed hospital, a licensed health care facility, a
23 Medicare-certified home health agency, or a Medicare-certified
24 hospice program or facility, with notice of the death to a
25 physician and in accordance with any directions of a
26 physician.

27 Sec. 3. Section 152.1, subsection 6, Code 2001, is amended
28 by adding the following new paragraph after paragraph d:

29 NEW PARAGRAPH. dd. Make the pronouncement of death for a
30 patient whose death is anticipated if the death occurs in a
31 licensed hospital, a licensed health care facility, a
32 Medicare-certified home health agency, or a Medicare-certified
33 hospice program or facility, with notice of the death to a
34 physician and in accordance with any directions of a
35 physician.

1 Sec. 4. Section 152.1, subsection 6, paragraph e, Code
2 2001, is amended to read as follows:

3 e. Apply to the abilities enumerated in paragraphs "a"
4 through "d" "dd" of this subsection scientific principles,
5 including the principles of nursing skills and of biological,
6 physical, and psychosocial sciences.

7 Sec. 5. Section 702.8, Code 2001, is amended to read as
8 follows:

9 702.8 DEATH.

10 "Death" means the condition determined by the following
11 standard: A person will be considered dead if in the
12 announced opinion of a physician, licensed pursuant to chapter
13 148, 150, or 150A, a physician assistant licensed pursuant to
14 chapter 148C, or a registered nurse or a licensed practical
15 nurse licensed pursuant to chapter 152, based on ordinary
16 standards of medical practice, that person has experienced an
17 irreversible cessation of spontaneous respiratory and
18 circulatory functions. In the event that artificial means of
19 support preclude a determination that these functions have
20 ceased, a person will be considered dead if in the announced
21 opinion of two physicians, based on ordinary standards of
22 medical practice, that person has experienced an irreversible
23 cessation of spontaneous brain functions. Death will have
24 occurred at the time when the relevant functions ceased.

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HOUSE FILE 354

S-3358

- 1 Amend House File 354, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, Page 12, by inserting after the word
4 "physician" the following: "and surgeon".
5 2. Page 2, by striking line 13 and inserting the
6 following: "148, an osteopath licensed pursuant to
7 chapter 150, an osteopathic physician and surgeon
8 licensed pursuant to chapter 150A, a physician
9 assistant licensed pursuant to".
10 3. Page 2, line 14, by inserting after the figure
11 "148C," the following: "a chiropractor licensed
12 pursuant to chapter 151,".
13 4. Title page, line 2, by inserting after the
14 word "assistant," the following: "a chiropractor,".

By MICHAEL E. GRONSTAL
JOHN W. JENSEN
EUGENE S. FRAISE

S-3358 FILED APRIL 16, 2001

0/0
4/25/01
(P. 1312)

HOUSE FILE 354

AN ACT

RELATING TO THE PRONOUNCEMENT OF DEATH BY A PHYSICIAN
ASSISTANT, A LICENSED PRACTICAL NURSE, OR A REGISTERED NURSE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 148C.4, Code 2001, is amended to read as follows:

148C.4 SERVICES PERFORMED BY ASSISTANTS.

A physician assistant may perform medical services when the services are rendered under the supervision of the physician or physicians specified in the physician assistant license approved by the board. A trainee may perform medical services when the services are rendered within the scope of an approved program. For the purposes of this section, "medical services rendered under the supervision of the physician or physicians specified in the physician assistant license approved by the board" includes making a pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a Medicare-certified home health agency, or a Medicare-certified hospice program or facility, with notice of the death to a physician and in accordance with the directions of a physician.

Sec. 2. Section 152.1, subsection 4, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Make the pronouncement of death for a patient whose death is anticipated if the death occurs in a

licensed hospital, a licensed health care facility, a Medicare-certified home health agency, or a Medicare-certified hospice program or facility, with notice of the death to a physician and in accordance with any directions of a physician.

Sec. 3. Section 152.1, subsection 6, Code 2001, is amended by adding the following new paragraph after paragraph d:

NEW PARAGRAPH. dd. Make the pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a Medicare-certified home health agency, or a Medicare-certified hospice program or facility, with notice of the death to a physician and in accordance with any directions of a physician.

Sec. 4. Section 152.1, subsection 6, paragraph e, Code 2001, is amended to read as follows:

e. Apply to the abilities enumerated in paragraphs "a" through "d" "dd" of this subsection scientific principles, including the principles of nursing skills and of biological, physical, and psychosocial sciences.

Sec. 5. Section 702.8, Code 2001, is amended to read as follows:

702.8 DEATH.

"Death" means the condition determined by the following standard: A person will be considered dead if in the announced opinion of a physician, licensed pursuant to chapter 148, 150, or 150A, a physician assistant licensed pursuant to chapter 148C, or a registered nurse or a licensed practical nurse licensed pursuant to chapter 152, based on ordinary standards of medical practice, that person has experienced an irreversible cessation of spontaneous respiratory and circulatory functions. In the event that artificial means of support preclude a determination that these functions have ceased, a person will be considered dead if in the announced opinion of two physicians, based on ordinary standards of

medical practice, that person has experienced an irreversible cessation of spontaneous brain functions. Death will have occurred at the time when the relevant functions ceased.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 354, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 5/3, 2001

THOMAS J. VILSACK
Governor