

- SUBJECT:** Authorizing certain medical personnel to sign a death certificate
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 8 ayes — Price, Arévalo, Burkett, Coleman, Guerra, Klick, Oliverson, Zedler
- 0 nays
- 3 absent — Sheffield, Collier, Cortez
- SENATE VOTE:** On final passage, May 4 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** For — Erin Perez, Texas Nurse Practitioners; (*Registered, but did not testify*: Blake Hutson, AARP Texas; Wendy Wilson, Consortium of Texas Certified Nurse Midwives; Sebastien Laroche, Methodist Healthcare Ministries of South Texas, Inc.; Jaime Capelo, Texas Academy of Physician Assistants; Sarah Mills, Texas Association for Home Care and Hospice; Amanda Martin, Texas Association of Business; Dan Finch, Texas Medical Association; Maxcine Tomlinson, Texas New Mexico Hospice Organization; Erin Cusack and Casey Haney, Texas Nurse Practitioners; Renee Poisson, Texas Nurse Practitioners; Andrew Cates, Texas Nurses Association; Deane Waldman, Texas Public Policy Foundation)
- Against — None
- BACKGROUND:** Health and Safety Code, sec. 193.005 establishes that a person required to file a death certificate or fetal death certificate must obtain the required medical certification from an attending physician if the death occurred under medical attendance for the care and treatment of the condition or disease process that contributed to the death.
- Interested observers note that physician assistants and advanced practice registered nurses play key roles in providing palliative and hospice care to patients. Despite their role in end-of-life care, physician assistants and

advanced practice registered nurses are not authorized to sign death certificate, which can result in unnecessary delays for families of a deceased person.

DIGEST:

SB 919 would allow a physician assistant or advanced practice registered nurse of a deceased person to provide the required medical certification for a death certificate or fetal death certificate if the death occurred under the care of either medical professional. A physician assistant or advanced practice registered nurse could only complete the medical certification if:

- a patient who had executed a written certification of a terminal illness had elected to receive hospice care and was receiving hospice services from a qualified hospice provider; or
- a patient was receiving palliative care.

A physician assistant or advanced practice registered nurse also could pronounce a person dead in other situations if permitted by written policies of a licensed health care facility, institution, or entity providing services to that person. The bill would extend protections from liability for civil damages and from criminal prosecution to advanced practice registered nurses based on the determination of death.

The physician assistant or advanced practice registered nurse would be required to follow existing statutory requirements, including completing the medical certification not later than five days after receiving the death certificate.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

NOTES:

A companion bill, HB 3857 by Coleman, was referred to the House Public Health Committee on March 30.