

26:6-7 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:6-7 et al (Death-determination made by registered professional nurse)

LAWS OF: 1983 **CHAPTER:** 308

Bill No: S1813

Sponsor(s): Hirkala and Cardinale

Date Introduced: October 18, 1982

Committee: **Assembly:** Corrections, Health and Human Services

Senate: Institutions, Health and Welfare

Amended during passage: YES Amendments during passage denoted by asterisks

Date of Passage: **Assembly:** June 27, 1983

Senate: December 6, 1982

Date of Approval: August 26, 1983

Following statements are attached if available:

Sponsor statement: YES

Committee statement: **Assembly** YES

Senate YES

Fiscal Note: NO

Veto Message: NO

Message on Signing: NO

Following were printed:

Reports: NO

Hearings: NO

[Faint, illegible handwritten notes or signatures]

8-26-83

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SENATE, No. 1813

STATE OF NEW JERSEY

INTRODUCED OCTOBER 18, 1982

By Senators HIRKALA and CARDINALE

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning certificates of death and the corrections thereto, amending sections 26:6-7, 26:6-8, ****[26:6-10]**** and 26:8-52 of the Revised Statutes and supplementing chapter 6 of Title 26 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 26:6-7 is amended to read as follows:

2 26:6-7. The certificate of death shall contain such items as shall
3 be listed on death certificate forms provided or approved by the
4 department under *the* authority of **[**section 26:8-24(c) of the Re-
5 vised Statutes**]** *subsection c. of R. S. 26:8-24. The certificate of*
6 *death shall include**[*: (1)**]***** a space for the signature of the*
7 *person who makes the actual determination and pronouncement of*
8 *death **[and (2) a space for the signature of the person executing*
9 *the certificate of death]** and a box that designates the person's*
10 *official capacity as attending physician, attending registered pro-*
11 *fessional nurse or medical examiner.*

1 2. R. S. 26:6-8 is amended to read as follows:

2 26:6-8. In the execution of a death certificate, the personal par-
3 ticulars shall be obtained by the funeral director from the person
4 best qualified to supply them. The death and last sickness particu-
5 lars shall be supplied by the attending physician**[**; or if there
6 **[**be**]** is no attending physician, *by an attending registered profes-*
7 *sional nurse licensed by the New Jersey Board of Nursing under*
8 *P. L. 1947, c. 262 (C. 45:11-23 et seq.); or if there is no attending*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted November 23, 1982.**

****—Assembly committee amendments adopted June 20, 1983.**

9 *physician or attending registered professional nurse*, by the county
 10 medical examiner. Within a reasonable time, not to exceed 24 hours
 11 after the pronouncement of death, the attending physician****[, the**
 12 *attending registered professional nurse,*]** or the county medical
 13 examiner shall execute the **[medical]** *death* certification. The burial
 14 particulars shall be supplied by the funeral director. The attend-
 15 ing physician, *the attending registered professional nurse*, or the
 16 county medical examiner and the funeral director shall certify to
 17 the particulars supplied by them by signing their names below the
 18 list of items furnished.

1 ****[3. R. S. 26:6-10** is amended to read as follows:

2 26:6-10. In case the *physician or the registered professional*
 3 *nurse* who last attended the deceased is absent or sick, so that
 4 a certificate of death cannot be obtained **[from them]** in time for
 5 burial or removal, then any *physician or any registered profes-*
 6 *sional nurse*, after examining the dead body, and being satisfied
 7 that death did not result from some unlawful means, may issue a
 8 death certificate.])**

1 ****[4.]** **3.** R. S. 26:8-52** is amended to read as follows:

2 26:8-52. Corrections to death certificates shall be signed by the
 3 physician, *registered professional nurse*, ***[coroner]*** *county medi-*
 4 *cal examiner**, funeral director or informant, whose name appears
 5 upon the certificate; however, any individual having personal knowl-
 6 edge and substantiating documentary proof of the matters sought
 7 to be corrected may apply under oath to have the certificate cor-
 8 rected. The authority to sign corrections or amendments to causes
 9 or duration of causes of death is restricted to the physician****[,**
 10 *registered professional nurse]*** or ***[coroner]*** *county medical*
 11 *examiner**.

1 ****[5.]** **4.**** (New section) Where there has been an apparent
 2 death, a registered professional nurse licensed by the New Jersey
 3 Board of Nursing under P. L. 1947, c. 262 (C. 45:11-23 et seq.) may
 4 make the actual determination and pronouncement of death and
 5 shall attest to this pronouncement by signing in the space designated
 6 for this signature on the certificate of death under R. S. 26:6-7**,
 7 *except that this provision shall only apply in the case of a death*
 8 *which occurs in the home or place of residence of the deceased, in*
 9 *a hospice, or in a long-term care facility or nursing home**.*

1 ****[6.** (New section) A registered professional nurse who attests
 2 to the actual determination and pronouncement of death on the
 3 certificate of death or who executes the certificate of death may
 4 receive a reasonable fee for the performance of these services.])**

1 ****[7.]** **5.**** This act shall take effect immediately.

SENATE, No. 1813

STATE OF NEW JERSEY

INTRODUCED OCTOBER 18, 1982

By Senators HIRKALA and CARDINALE

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning certificates of death and the corrections thereto, amending sections 26:6-7, 26:6-8, 26:6-10 and 26:8-52 of the Revised Statutes and supplementing chapter 6 of Title 26 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 26:6-7 is amended to read as follows:

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3 be listed on death certificate forms provided or approved by the
4 department under *the* authority of **[section 26:8-24(e) of the Re-**
5 **vised Statutes]** *subsection c. of R. S. 26:8-24. The certificate of*
6 *death shall include: (1) a space for the signature of the person who*
7 *makes the actual determination and pronouncement of death and*
8 *(2) a space for the signature of the person executing the certificate*
9 *of death and a box that designates the person's official capacity as*
10 *attending physician, attending registered professional nurse or*
11 *medical examiner.*

1 2. R. S. 26:6-8 is amended to read as follows:

2 26:6-8. In the execution of a death certificate, the personal par-
3 ticulars shall be obtained by the funeral director from the person
4 best qualified to supply them. The death and last sickness particu-
5 lars shall be supplied by the attending physician**[,]**; or if there
6 **[be]** is no attending physician, *by an attending registered profes-*
7 *sional nurse licensed by the New Jersey Board of Nursing under*
8 *P. L. 1947, c. 262 (C. 45:11-23 et seq.); or if there is no attending*
9 *physician or attending registered professional nurse, by the county*

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

10 medical examiner. Within a reasonable time, not to exceed 24 hours
 11 after the pronouncement of death, the attending physician, *the at-*
 12 *tending registered professional nurse*, or the county medical ex-
 13 aminer shall execute the **medical** *death* certification. The burial
 14 particulars shall be supplied by the funeral director. The attend-
 15 ing physician, *the attending registered professional nurse*, or the
 16 county medical examiner and the funeral director shall certify to
 17 the particulars supplied by them by signing their names below the
 18 list of items furnished.

1 3. R. S. 26:6-10 is amended to read as follows:

2 26:6-10. In case the physician *or the registered professional*
 3 *nurse* who last attended the deceased is absent or sick, so that
 4 a certificate of death cannot be obtained **from them** in time for
 5 burial or removal, then any physician *or any registered profes-*
 6 *sional nurse*, after examining the dead body, and being satisfied
 7 that death did not result from some unlawful means, may issue a
 8 death certificate.

1 4. R. S. 26:8-52 is amended to read as follows:

2 26:8-52. Corrections to death certificates shall be signed by the
 3 physician, *registered professional nurse*, coroner, funeral director
 4 or informant, whose name appears upon the certificate; however,
 5 any individual having personal knowledge and substantiating docu-
 6 mentary proof of the matters sought to be corrected may apply
 7 under oath to have the certificate corrected. The authority to sign
 8 corrections or amendments to causes or duration of causes of death
 9 is restricted to the physician, *registered professional nurse* or
 10 coroner.

1 5. (New section) Where there has been an apparent death, a
 2 registered professional nurse licensed by the New Jersey Board of
 3 Nursing under P. L. 1947, c. 262 (C. 45:11-23 et seq.) may make
 4 the actual determination and pronouncement of death and shall
 5 attest to this pronouncement by signing in the space designated for
 6 this signature on the certificate of death under R. S. 26:6-7.

1 6. (New section) A registered professional nurse who attests to
 2 the actual determination and pronouncement of death on the certif-
 3 icate of death or who executes the certificate of death may receive
 4 a reasonable fee for the performance of these services.

1 7. This act shall take effect immediately.

STATEMENT

This bill recognizes that, in many instances, the actual determina-
 tion and pronouncement of death need not be performed by a phy-
 sician. Today, registered professional nurses routinely perform

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this service; however, this fact is not documented on the certificate of death. Under this bill, a registered professional nurse may: (1) make the actual determination and pronouncement of death, and attest to the fact of this pronouncement in a designated space on the certificate of death form; (2) officially execute the certificate of death and (3) receive a reasonable fee for the performance of these services.

ASSEMBLY CORRECTIONS, HEALTH AND
HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1813

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with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 20, 1983

This bill would authorize a registered professional nurse (RN) to make a determination and pronouncement of death. The bill would also permit an RN to sign a correction to a death certificate.

The Senate Institutions, Health and Welfare Committee made technical amendments to the bill to change a reference from "coroner" to "county medical examiner."

The committee amended the bill at the request of the sponsor to make the following changes:

1. Delete the provision allowing an RN to execute the death certificate;
2. Delete the provision allowing an RN to sign corrections or amendments to causes or duration of death.
3. Delete the provision whereby an RN who makes a determination or pronouncement of death would receive a fee for this service; and,
4. Specify that an RN shall make a determination or pronouncement of death only in the case of a death which occurs in the home or place of residence of the deceased, in a hospice, or in a long term care facility or nursing home.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 1813

with Senate committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 1982

The bill authorizes registered professional nurses (RN's) to make a determination and pronouncement of death. The bill permits RN's to execute the death certificate and to make any necessary amendments thereto. Also, it provides that a RN who makes a determination or pronouncement of death or executes the death certificate may receive a reasonable fee for this service.

The committee made technical amendments to the bill to change a reference from "coroner" to "county medical examiner."