

1-1 By: Rodríguez S.B. No. 919
1-2 (In the Senate - Filed February 15, 2017; February 28, 2017,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; April 24, 2017, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 24, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Schwertner	X			
1-9 Uresti	X			
1-10 Buckingham	X			
1-11 Burton	X			
1-12 Kolkhorst	X			
1-13 Miles	X			
1-14 Perry	X			
1-15 Taylor of Collin	X			
1-16 Watson	X			
1-17				

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 919 By: Uresti

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the authority of an advanced practice registered nurse
1-22 or physician assistant to sign a death certificate in limited
1-23 situations.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 193.005, Health and Safety Code, is
1-26 amended by amending Subsections (a), (b), and (c) and adding
1-27 Subsection (a-1) to read as follows:

1-28 (a) A person required to file a death certificate or fetal
1-29 death certificate shall obtain the required medical certification
1-30 from the decedent's [an] attending physician, or, subject to
1-31 Subsection (a-1), a physician assistant or advanced practice
1-32 registered nurse of the decedent, if the death occurred under
1-33 [medical attendance for] the care of the person in connection with
1-34 the [and] treatment of the condition or disease process that
1-35 contributed to the death.

1-36 (a-1) A physician assistant or advanced practice registered
1-37 nurse may only complete the medical certification for a death
1-38 certificate or fetal death certificate under this section if:

1-39 (1) a patient who has executed a written certification
1-40 of a terminal illness has elected to receive hospice care and is
1-41 receiving hospice services, as defined under Chapter 142, from a
1-42 qualified hospice provider; or

1-43 (2) a patient is receiving palliative care.

1-44 (b) The attending physician, physician assistant, or
1-45 advanced practice registered nurse shall complete the medical
1-46 certification not later than five days after receiving the death
1-47 certificate.

1-48 (c) An associate physician, the chief medical officer of the
1-49 institution where the death occurred, or the physician who
1-50 performed an autopsy on the decedent may complete the medical
1-51 certification if:

1-52 (1) the attending physician, the physician assistant,
1-53 and the advanced practice registered nurse described by Subsection
1-54 (a) are [is] unavailable;

1-55 (2) the attending physician, the physician assistant,
1-56 or the advanced practice registered nurse described by Subsection
1-57 (a) approves; and

1-58 (3) the person completing the medical certification
1-59 has access to the medical history of the case and the death is due to
1-60 natural causes.

2-1 SECTION 2. Section 671.001(d), Health and Safety Code, is
2-2 amended to read as follows:

2-3 (d) A registered nurse, including an advanced practice
2-4 registered nurse, or physician assistant may determine and
2-5 pronounce a person dead in situations other than those described by
2-6 Subsection (b) if permitted by written policies of a licensed
2-7 health care facility, institution, or entity providing services to
2-8 that person. Those policies must include physician assistants who
2-9 are credentialed or otherwise permitted to practice at the
2-10 facility, institution, or entity. If the facility, institution, or
2-11 entity has an organized nursing staff and an organized medical
2-12 staff or medical consultant, the nursing staff and medical staff or
2-13 consultant shall jointly develop and approve those policies. The
2-14 executive commissioner of the Health and Human Services Commission
2-15 shall adopt rules to govern policies for facilities, institutions,
2-16 or entities that do not have organized nursing staffs and organized
2-17 medical staffs or medical consultants.

2-18 SECTION 3. Section 671.002(a), Health and Safety Code, is
2-19 amended to read as follows:

2-20 (a) A physician who determines death in accordance with
2-21 Section 671.001(b) or a registered nurse, including an advanced
2-22 practice registered nurse, or physician assistant who determines
2-23 death in accordance with Section 671.001(d) is not liable for civil
2-24 damages or subject to criminal prosecution for the physician's,
2-25 registered nurse's, or physician assistant's actions or the actions
2-26 of others based on the determination of death.

2-27 SECTION 4. This Act takes effect immediately if it receives
2-28 a vote of two-thirds of all the members elected to each house, as
2-29 provided by Section 39, Article III, Texas Constitution. If this
2-30 Act does not receive the vote necessary for immediate effect, this
2-31 Act takes effect September 1, 2017.

2-32 * * * * *