

COMMITTEE ON HEALTH, HOSPITALS, AND  
HUMAN SERVICES

**BILL NO. 32-0212**

**Thirty-Second Legislature of the Virgin Islands**

**May 18, 2018**

An Act amending title 19 Virgin Islands Code, Chapter 37, subchapter III, adding section 870 to allow for the pronouncement of death by registered nurses, physician assistants, and nurse practitioners

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**PROPOSED BY:** Senator Nereida Rivera-O'Reilly

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*Be it enacted by the Legislature of the Virgin Islands:*

**SECTION 1.** Title 19 Virgin Islands Code, chapter 37, subchapter III is amended by adding section 870 that reads as follows:

**“§870. Pronouncement of death by registered nurses registered physician’s assistants, and certified registered nurse practitioners; conditions**

(a) As used in this section:

(1) ‘Anticipated Death’ means death which is, in the opinion of the attending physician, expected due to illness, infirmity, or disease.

(2) ‘Attending Physician’ means the physician who has primary responsibility for the treatment and care of the patient.

(3) 'Pronouncement of Death' means the declaration by the registered nurse, physician assistant, or certified registered nurse practitioner who has made the determination of death in accordance with section 869 as recorded in the patient's medical record or other record in accordance with this section.

(b) A registered nurse, physicians' assistants, and certified registered nurse practitioner employed by a certified home health agency, hospice or nursing home may make a determination of and pronounce the death of a patient if:

(1) The patient's death was anticipated;

(2) The patient was under the care of the services of a home health agency, nursing home, or licensed hospice program;

(3) Reasonable effort was made to contact the attending physician of the patient or medical examiner before the determination or pronouncement; and

(4) The pronouncement of death is made on a form approved by the Commissioner of Health and subscribed to under penalty of perjury.

(c) The body of the decedent may not be removed until notice of the pronouncement has been given to the attending physician or the medical examiner."

### **BILL SUMMARY**

This bill amends Title 19 Virgin Islands Code, chapter 37, subchapter III by adding definitions for anticipated death, attending physician and pronouncement of death. It also allows for the pronouncement of death by registered nurses, physicians' assistants, and certified registered nurse practitioners in cases of anticipated deaths.