

House Bill 944 (COMMITTEE SUBSTITUTE)

By: Representatives Gilligan of the 24<sup>th</sup>, Cooper of the 43<sup>rd</sup>, Petrea of the 166<sup>th</sup>, and Jasperse of the 11<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to  
2 provide for the pronouncement of death of patients in nursing homes who are organ donors  
3 by a registered professional nurse or a physician assistant; to provide for the pronouncement  
4 of death of patients in hospice care who are organ donors by a registered professional nurse  
5 or physician assistant; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising  
10 Code Section 31-7-16, relating to determination or pronouncement of death of patient who  
11 died in a facility classified as a nursing home as follows:

12 "31-7-16.

13 When a patient dies in any facility classified as a nursing home by the department and  
14 operating under a permit issued by the department, a physician assistant, a nurse  
15 practitioner, or a registered professional nurse licensed in this state and employed by such  
16 nursing home at the time of apparent death of such person, in the absence of a physician,  
17 may make the determination and pronouncement of the death of said patient; provided,  
18 however, ~~that, when said patient is a registered organ donor, only a physician may make~~  
19 ~~the determination or pronouncement of death; provided, further,~~ that when it appears that  
20 a patient died from other than natural causes, only a physician may make the determination  
21 or pronouncement of death. Such determination or pronouncement shall be made in  
22 writing on a form approved by the department."

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23 **SECTION 2.**

24 Said title is further amended by revising Code Section 31-7-176.1, relating to determination  
 25 or pronouncement of death of patients in hospice care, as follows:

26 "31-7-176.1.

27 When a patient who is terminally ill or whose death is anticipated and who is receiving  
 28 hospice care from a licensed hospice dies, a physician assistant, a nurse practitioner, or a  
 29 registered professional nurse licensed in this state and employed by such hospice at the  
 30 time of apparent death of such person, in the absence of an attending physician, may make  
 31 the determination and pronouncement of the death of said patient; provided, however, that,  
 32 ~~when a hospice patient is a registered organ donor, only a physician may make the~~  
 33 ~~determination or pronouncement of death.~~ Such determination or pronouncement shall be  
 34 made in writing on a form approved by the commissioner of community health."

35 **SECTION 3.**

36 Said title is further amended by revising subsection (a) of Code Section 31-10-16, relating  
 37 to criteria for determining death and immunity from liability, as follows:

38 "(a) A person may be pronounced dead by a qualified physician, by a registered  
 39 professional nurse or nurse practitioner authorized to make a pronouncement of death  
 40 under Code Section 31-7-16 or 31-7-176.1 or subsection (o) of Code Section 43-34-25, or  
 41 by a physician assistant authorized to make a pronouncement of death under Code Section  
 42 31-7-16 or 31-7-176.1 or subsection (j) of Code Section 43-34-103, if it is determined that  
 43 the individual has sustained either (1) irreversible cessation of circulatory and respiratory  
 44 function or (2) irreversible cessation of all functions of the entire brain, including the brain  
 45 stem."

46 **SECTION 4.**

47 All laws and parts of laws in conflict with this Act are repealed.