

1 HOUSE BILL 476

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO VITAL STATISTICS; ALLOWING PHYSICIAN ASSISTANTS TO  
12 CERTIFY THE DEATH OF A PATIENT.  
13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 24-14-20 NMSA 1978 (being Laws 1961,  
16 Chapter 44, Section 18, as amended) is amended to read:

17 "24-14-20. DEATH REGISTRATION.--

18 A. A death certificate for each death that occurs  
19 in this state shall be filed within five days after the death  
20 and prior to final disposition. The death certificate shall be  
21 registered by the state registrar if it has been completed and  
22 filed in accordance with this section, subject to the exception  
23 provided in Section 24-14-24 NMSA 1978; provided that:

24 (1) if the place of death is unknown but the  
25 dead body is found in this state, a death certificate shall be

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1 filed with a local registrar within ten days after the  
2 occurrence. The place where the body is found shall be shown  
3 as the place of death. If the date of death is unknown, it  
4 shall be approximated by the state medical investigator; and

5 (2) if death occurs in a moving conveyance in  
6 the United States and the body is first removed from the  
7 conveyance in this state, the death shall be registered in this  
8 state and the place where the body is first removed shall be  
9 considered the place of death. When a death occurs on a moving  
10 conveyance while in international waters or air space or in a  
11 foreign country or its air space and the body is first removed  
12 from the conveyance in this state, the death shall be  
13 registered in this state, but the certificate shall show the  
14 actual place of death insofar as can be determined by the state  
15 medical investigator.

16 B. The funeral service practitioner or person  
17 acting as a funeral service practitioner who first assumes  
18 custody of a dead body shall:

- 19 (1) file the death certificate;  
20 (2) obtain the personal data from the next of  
21 kin or the best qualified person or source available; and  
22 (3) obtain the medical certification of cause  
23 of death.

24 C. The medical certification shall be completed and  
25 signed within forty-eight hours after death by the physician,

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1     ~~[or]~~ nurse practitioner or physician assistant in charge of the  
2     patient's care for the illness or condition that resulted in  
3     death, except when inquiry is required by law. Except as  
4     provided in Subsection D of this section, in the absence of the  
5     physician or nurse practitioner, or with the physician's or the  
6     nurse practitioner's approval, the medical certification may be  
7     completed and signed by the physician's associate physician or  
8     the nurse practitioner's associate nurse practitioner, the  
9     chief medical officer of the institution in which death  
10    occurred or the physician who performed an autopsy on the  
11    decedent; provided that the individual has access to the  
12    medical history of the case and views the deceased at or after  
13    death and that death is due to natural causes.

14             D. Unless there is reasonable cause to believe that  
15    the death is not due to natural causes, a registered nurse  
16    employed by a nursing home may pronounce the death of a  
17    resident of the nursing home and a registered nurse employed by  
18    a hospital may pronounce the death of a patient of the  
19    hospital. The nurse shall have access to the medical history  
20    of the case and view the deceased at or after death, and the  
21    individual who completes the medical certification shall not be  
22    required to view the deceased at or after death. The death  
23    shall be pronounced pursuant to procedures or facility  
24    protocols prescribed by the hospital for patients or by the  
25    physician who is the medical director of the nursing home for

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1 residents. The procedures or facility protocols shall ensure  
2 that the medical certification of death is completed in  
3 accordance with the provisions of Subsection C of this section.

4 E. For purposes of this section:

5 (1) "hospital" means a public hospital, profit  
6 or nonprofit private hospital or a general or special hospital  
7 that is licensed as a hospital by the department of health;

8 (2) "nurse practitioner" means a registered  
9 nurse who is licensed by the board of nursing for advanced  
10 practice as a certified nurse practitioner and whose name and  
11 pertinent information are entered on the list of certified  
12 nurse practitioners maintained by the board of nursing; ~~and~~

13 (3) "nursing home" means any nursing  
14 institution or facility required to be licensed under state law  
15 as a nursing facility by the public health division of the  
16 department of health, whether proprietary or nonprofit,  
17 including skilled nursing home facilities; and

18 (4) "physician assistant" means a physician  
19 assistant who is licensed by the New Mexico medical board for  
20 practice as a certified physician assistant and whose name and  
21 pertinent information are entered on the list of certified  
22 physician assistants maintained by the New Mexico medical  
23 board.

24 F. When death occurs without medical attendance as  
25 set forth in Subsection C or D of this section or when death

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1 occurs more than ten days after the decedent was last treated  
2 by a physician, the case shall be referred to the state medical  
3 investigator for investigation to determine and certify the  
4 cause of death.

5 G. An amended death certificate based on an  
6 anatomical observation shall be filed within thirty days of the  
7 completion of an autopsy."