

SESSION OF 2006

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2342

As Amended by House Committee on
Health and Human Services

Brief*

HB 2342, as amended, would enact new law to allow an Advanced Registered Nurse Practitioner, registered professional nurse, or a licensed physician assistant who is employed by an adult care home or hospice facility to make the determination and pronouncement of the death of a patient, in the absence of a physician. The nurse practitioner, registered nurse, and physician assistant would not be allowed to determine or pronounce death when a patient is a registered organ donor or when it appears that a patient died from other than natural causes.

Background

HB 2342 was introduced by the House Committee on Health and Human Services at the request of Representative Bethell. Proponents of the bill indicated that the legislation would allow for pronouncement of death in a timely manner, since currently in most instances of patient death in adult care home and hospice-care situations, nurse practitioners and registered nurses are physically present and available, while a physician is usually available by telephone or pager. The bill was supported by the Kansas State Nurses Association, Kansas Health Care Association, Kansas Association of Homes & Services for the Aging, Kansas Association of Physician Assistants, and the Kansas Medical Society.

Opponents of the bill included the Kansas Trial Lawyers Association, Kansas Advocates for Better Care, and an individual who shared concerns about the nature of her mother's death in a nursing home. An opponent offered suggestions for review of nursing home deaths by medical examiners or coroners, education to personnel on reporting of suspicious deaths, establishing a statewide elder death review board, and update of the outdated Kansas coroner laws

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

regarding national certification and national standards for reportable deaths.

The House Committee on Health and Human Services amended the bill to allow physician assistants to pronounce death in the same circumstances as registered nurses and nurse practitioners. The Committee also amended the bill to make the requirements for adult care homes and hospices identical. The amendments were requested by the Kansas Association of Physician Assistants and the Kansas Medical Society.

The fiscal note prepared by the Division of the Budget on the introduced version of the bill indicates that passage of the bill would have no fiscal effect on either the Kansas State Board of Nursing or the Kansas State Board of Healing Arts. The House Committee amendments would not materially change the assessment of fiscal impact.