

ASSEMBLY, No. 1493

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

SYNOPSIS

Permits EMT, paramedic, or investigator for county medical examiner's office to make determination and pronouncement of death under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning determinations of death and amending
2 P.L.1983, c.308 and P.L.1988, c.125.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 4 of P.L.1983, c.308 (C.26:6-8.1) is amended to read
8 as follows:

9 4. a. Where there has been an apparent death that is not
10 governed by the provisions of section 4 of P.L.1991, c.90 (C.26:6A-
11 4), a registered professional nurse licensed by the New Jersey Board
12 of Nursing under P.L.1947, c.262 (C.45:11-23 et seq.) may make
13 the actual determination and pronouncement of death and shall
14 attest to this pronouncement by: signing in the space designated for
15 this signature on the certificate of death under R.S.26:6-7; or, for
16 the purposes of the NJ-EDRS, transmitting orally or in writing a
17 report of the pronouncement to the attending, covering or resident
18 physician, or the county medical examiner.

19 b. (Deleted by amendment, P.L.2006, c.86).

20 c. (1) Where there has been an apparent death as described in
21 paragraph (2) of this subsection, an emergency medical technician,
22 mobile intensive care paramedic, or investigator for the county
23 medical examiner's office may make the actual determination and
24 pronouncement of death and shall attest to this pronouncement by:
25 signing in the space designated for this signature on the certificate
26 of death under R.S.26:6-7; or, for the purposes of the NJ-EDRS,
27 transmitting orally or in writing a report of the pronouncement to
28 the attending, covering, or resident physician, or the county medical
29 examiner.

30 (2) The provisions of this subsection shall only apply:

31 (a) in the case of a death that occurs in the home or place of
32 residence of the deceased, or at the scene of a motor vehicle
33 accident, homicide, fire, flood, or other natural or man-made
34 disaster or emergency;

35 (b) when there is no physician or registered professional nurse
36 present who is qualified by law to make the actual determination
37 and pronouncement of death in that setting; and

38 (c) when the deceased exhibits one or more of the following
39 signs of death: decapitation, decomposition, lividity, an absence of
40 electrical activity in the heart, or rigor mortis.

41 (3) As used in this subsection:

42 "Emergency medical technician" means a person trained in basic
43 life support, as defined in section 1 of P.L.1985, c.351 (C.26:2K-
44 21), and certified by the Commissioner of Health to perform these
45 services;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 “Investigator for the county medical examiner’s office” means a
2 person trained in death investigation who investigates deaths
3 reported to the county medical examiner’s office and meets the
4 requirements for that position specified by State and local
5 government; and

6 “Mobile intensive care paramedic” means a person trained in
7 advanced life support, as defined in section 1 of P.L.1984, c.146
8 (C.26:2K-7), and certified by the Commissioner of Health to render
9 advanced life support services as part of a mobile intensive care
10 unit.

11 (cf: P.L.2015, c.224, s.13)

12
13 2. Section 1 of P.L.1988, c.125 (C.26:6-8.2) is amended to read
14 as follows:

15 1. If the attending physician, registered professional nurse,
16 physician assistant, emergency medical technician, mobile intensive
17 care paramedic, investigator for the county medical examiner’s
18 office, or the Chief State Medical Examiner, Deputy Chief State
19 Medical Examiner, or county or intercounty medical examiner or
20 assistant county or intercounty medical examiner who makes the
21 actual determination and pronouncement of death determines or has
22 knowledge that the deceased person was HIV positive or infected
23 with hepatitis B virus or that the deceased person suffered from
24 AIDS, or any of the contagious, infectious, or communicable
25 diseases as shall be determined by the Commissioner of Health, the
26 attending physician, registered professional nurse, physician
27 assistant, emergency medical technician, mobile intensive care
28 paramedic, investigator for the county medical examiner’s office, or
29 the Chief State Medical Examiner, Deputy Chief State Medical
30 Examiner, or county or intercounty medical examiner or assistant
31 county or intercounty medical examiner shall immediately place
32 with the remains written notification of the condition and shall
33 provide written notification of the condition to the funeral director
34 who is responsible for the handling and the disposition of the body.

35 (cf: P.L. 2018, c.62, s.26)

36
37 3. The Commissioner of Health, pursuant to the
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
39 seq.), shall adopt rules and regulations as are necessary to effectuate
40 the purposes of this act.

41
42 4. This act shall take effect on the first day of the seventh
43 month next following the date of enactment, except that the
44 Commissioner of Health may take such anticipatory administrative
45 action in advance thereof as shall be necessary for the
46 implementation of this act.

STATEMENT

This bill would permit an emergency medical technician (EMT), mobile intensive care paramedic, or investigator for the county medical examiner's office to make the determination and pronouncement of death under certain circumstances.

The bill provides that where there has been an apparent death as described in the bill, an EMT, paramedic, or investigator for the county medical examiner's office may make the actual determination and pronouncement of death and is to attest to this pronouncement by: signing in the space designated for this signature on the certificate of death under R.S.26:6-7; or, for the purposes of the New Jersey Electronic Death Registration System, transmitting orally or in writing a report of the pronouncement to the attending, covering, or resident physician, or the county medical examiner.

The provisions of this bill would only apply:

--in the case of an apparent death that occurs in the home or place of residence of the deceased, or at the scene of a motor vehicle accident, homicide, fire, flood, or other natural or man-made disaster or emergency;

--when there is no physician or registered professional nurse present who is qualified by law to make the actual determination and pronouncement of death in that setting; and

--when the person who is declared to be presumptively dead exhibits one or more of the following signs of death: decapitation, decomposition, lividity, an absence of electrical activity in the heart, or rigor mortis.

The bill takes effect on the first day of the seventh month after enactment, but authorizes the Commissioner of Health to take prior administrative action in advance as necessary for its implementation.