Sponsored by:
Assemblyman PAUL D. MORIARTY
District 4 (Camden and Gloucester)
Assemblywoman GABRIELA M. MOSQUERA
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

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

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

4. a. Where there has been an apparent death that is not governed by the provisions of section 4 of P.L.1991, c.90 (C.26:6A-4), a registered professional nurse licensed by the New Jersey Board of Nursing under P.L.1947, c.262 (C.45:11-23 et seq.) may make the actual determination and pronouncement of death and shall 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 NJ-EDRS, transmitting orally or in writing a report of the pronouncement to the attending, covering or resident physician, or the county medical examiner.


c. (1) Where there has been an apparent death as described in paragraph (2) of this subsection, an emergency medical technician, mobile intensive care paramedic, or investigator for the county medical examiner’s office may make the actual determination and pronouncement of death and shall 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 NJ-EDRS, transmitting orally or in writing a report of the pronouncement to the attending, covering, or resident physician, or the county medical examiner.

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

(a) in the case of a 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;

(b) 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

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

(3) As used in this subsection:

“Emergency medical technician” means a person trained in basic life support, as defined in section 1 of P.L.1985, c.351 (C.26:2K-21), and certified by the Commissioner of Health and Senior Services to perform these 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.
“Investigator for the county medical examiner’s office” means a person trained in death investigation who investigates deaths reported to the county medical examiner’s office and meets the requirements for that position specified by State and local government; and

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

(cf: P.L.2006, c.86, s.1)

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

1. If the attending physician, registered professional nurse, emergency medical technician, mobile intensive care paramedic, investigator for the county medical examiner’s office, or State or county medical examiner who makes the actual determination and pronouncement of death determines or has knowledge that the deceased person was infected with human immunodeficiency virus (HIV) or hepatitis B virus or that the deceased person suffered from acquired immune deficiency syndrome (AIDS), AIDS related complex (ARC) or any of the contagious, infectious, or communicable diseases as shall be determined by the Commissioner of Health and Senior Services, the attending physician, registered professional nurse, emergency medical technician, mobile intensive care paramedic, investigator for the county medical examiner’s office, or State or county medical examiner shall immediately place with the remains written notification of the condition and shall provide written notification of the condition to the funeral director who is responsible for the handling and the disposition of the body.

(cf: P.L.1988, c.125, s.1)

3. The Commissioner of Health and Senior Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act.

4. This act shall take effect on the first day of the seventh month next following the date of enactment, except that the Commissioner of Health and Senior Services may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.
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 and Senior Services to take prior administrative action in advance as necessary for its implementation.