

1 HOUSE BILL 476

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

3 INTRODUCED BY

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5 and Kathleen Cates and Reena Szczepanski
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10 AN ACT

11 RELATING TO VITAL STATISTICS; ALLOWING PHYSICIAN ASSISTANTS TO
12 CERTIFY THE DEATH OF A PATIENT.
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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 physician assistant, or
6 with the physician's, ~~[or]~~ the nurse practitioner's or the
7 physician assistant's approval, the medical certification may
8 be completed and signed by the physician's associate physician,
9 ~~[or]~~ the nurse practitioner's associate nurse practitioner, the
10 physician assistant's associate physician assistant, the chief
11 medical officer of the institution in which death occurred or
12 the physician who performed an autopsy on the decedent;
13 provided that the individual has access to the medical history
14 of the case and views the deceased at or after death and that
15 death is due to natural causes.

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

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1 protocols prescribed by the hospital for patients or by the
2 physician who is the medical director of the nursing home for
3 residents. The procedures or facility protocols shall ensure
4 that the medical certification of death is completed in
5 accordance with the provisions of Subsection C of this section.

6 E. For purposes of this section:

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

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

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

20 F. When death occurs without medical attendance as
21 set forth in Subsection C or D of this section or when death
22 occurs more than ten days after the decedent was last treated
23 by a physician, the case shall be referred to the state medical
24 investigator for investigation to determine and certify the
25 cause of death.

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