



New Ohio Law: Determination and Pronouncement of Death

An amendment to the Ohio Nurse Practice Act (Chapter 4723, Ohio Revised Code (ORC)) authorizes certified nurse practitioners, clinical nurse specialists, and registered nurses, under specific circumstances, to determine and pronounce death. The new law is effective March 22, 2013 by the enactment of Am Sub HB 284 during the 129th General Assembly.

The new law, Section 4723.36, ORC, authorizes certified nurse practitioners, clinical nurse specialists and registered nurses to determine and pronounce death if an individual's respiratory and circulatory functions are not being artificially sustained, and certain other circumstances exist. Relative to certified nurse practitioners and clinical nurse specialists, the authority to determine and pronounce death is limited to circumstances in which the individual was receiving care in a specified facility identified in the law, or the certified nurse practitioner or clinical nurse specialist was providing or supervising the individual's care through a licensed hospice program or any other entity that provides palliative care.

Relative to registered nurses, the authority to determine and pronounce death is limited to those circumstances under which the registered nurse is providing or supervising the individual's care through a licensed hospice program or any other entity that provides palliative care.

A certified nurse practitioner, clinical nurse specialist or registered nurse, who determines and pronounces death is prohibited from completing any portion of the individual's death certificate, and is required to report the determination and pronouncement of the individual's death to the attending physician within a reasonable amount of time but no later than 24 hours after the death has been determined and pronounced.

A full copy of the new law and Legislative Service Commission (LSC) Final Bill Analysis is available online at the LSC website, www.lsc.state.oh.us.