



Office of the Governor of Guam

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Felix Perez Camacho
Governor

APR 29 2003

Kaleo Scott Moylan
Lieutenant Governor

Office of the People's Speaker
Vicente (Sen) C. Pangelinan

APR 30 2003

The Honorable Vicente C. Pangelinan
Speaker
Mina'Bente Siete Na Liheslaturan Guåhan
Twenty-Seventh Guam Legislature
155 Hesler Street
Hagåtña, Guam 96910

TIME: 3:09 () AM () PM
RECEIVED BY: H

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 38 (COR), "AN ACT TO ALLOW THE PRONOUNCEMENT OF DEATH BY A REGISTERED NURSE, BY *ADDING* A NEW § 12332 TO ARTICLE 3, CHAPTER 12 AND *AMENDING* § 3216 OF ARTICLE 2, CHAPTER 3, BOTH OF DIVISION 1, OF TITLE 10, GUAM CODE ANNOTATED," which I have signed into law on April 26, 2003 as Public Law 27-15.

Sincerely,

FELIX P. CAMACHO
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

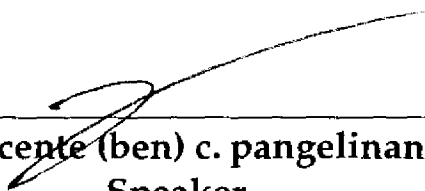
cc: The Honorable Tina Rose Muña-Barnes
Senator and Legislative Secretary

Document No. 03-02167/1c

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 38 (COR), "AN ACT TO ALLOW THE PRONOUNCEMENT OF DEATH BY A REGISTERED NURSE, BY ADDING A NEW §12332 TO ARTICLE 3, CHAPTER 12 AND AMENDING §3216 OF ARTICLE 2, CHAPTER 3, BOTH OF DIVISION 1, OF TITLE 10, GUAM CODE ANNOTATED," was on the 11th day of April, 2003, duly and regularly passed.



vicente (ben) c. pangelinan
Speaker


Attested:



Tina Rose Muña-Barnes
Senator and Legislative Secretary

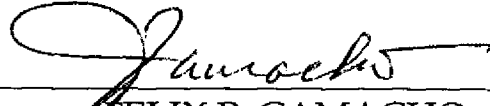
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This Act was received by *I Maga'lahen Guahan* this 15 day of April, 2003, at 6:30 o'clock
P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahen Guahan

Date: April 26, 2003

Public Law No. 27-15

MINA'BENTE SIETE NA LIHESLATURAN GUÁHAN
2003 (FIRST) Regular Session

Bill No. 38 (COR)

As substituted by the Committee on Health,
and as amended on the Floor.

Introduced by:

L. A. Leon Guerrero
v. c. pangelinan
J. A. Lujan
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Cunliffe
C. Fernandez
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
T. R. Muña-Barnes
J. M. Quinata
R. J. Respicio
Toni D. Sanford
Ray Tenorio

**AN ACT TO ALLOW THE PRONOUNCEMENT OF
DEATH BY A REGISTERED NURSE, BY ADDING A
NEW §12332 TO ARTICLE 3, CHAPTER 12 AND
AMENDING §3216 OF ARTICLE 2, CHAPTER 3, BOTH
OF DIVISION 1, OF TITLE 10, GUAM CODE
ANNOTATED.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Purpose and Legislative Intent.** The trends in
3 legislation and judicial decisions, along with consumer attention and
4 interest, have challenged society and professional nursing to address

1 and evaluate the role of the registered nurses in assisting families
2 with end-of-life care. Registered professional nurses are both
3 qualified, by both education and experience, to diagnose the absence
4 of human responses indicating death and to accurately record data
5 pertinent to that event.

6 Legislative history and current legislation shows that as of
7 1999, forty-four (44) states have enacted legislation, which authorizes
8 nurses in certain settings to pronounce death and sign death
9 certificates. These measures were designed to allow the hospital or
10 long-term care nurses, home health nurses, and nurses in nursing
11 home institutions to provide care throughout the continuum of life
12 and to facilitate end-of-life care. Guam would benefit from the
13 implementation of such legislation, because it supports the cultural
14 traditions of family support and prayers practiced on Guam.

15 **Section 2. A new §12332 is hereby *added* to Article 3, Chapter**
16 **12, Division 1, of Title 10, Guam Code Annotated, as follows:**

17 **“§12332. Pronouncement of Death by a Registered Nurse.**

18 a. A pronouncement of death may be made by a
19 registered nurse on a person with an ‘anticipated death’ who is
20 in a healthcare facility, or a private home served by a licensed
21 home healthcare provider or government/private healthcare
22 agency.

23 b. Prior to any pronouncement of death pursuant to
24 this Section, there shall be certification of an anticipated death
25 by an attending physician. The certification shall be

1 documented in the person's medical or clinical record, and shall
2 be valid for purposes of this Section for no more than one
3 hundred eighty (180) days from the date of the documentation
4 and must be recertified every one hundred eighty (180) days to
5 remain valid.

6 c. A registered nurse who has determined and
7 pronounced death, under this Section, after diagnosing the
8 absence of human responses, shall document the clinical
9 criteria for the determination and pronouncement in the
10 person's medical or clinical record and notify the certifying
11 physician. The registered nurse shall communicate pertinent
12 information to appropriate persons, sign the death certificate,
13 and record the:

- 14 (1) Name of the deceased;
- 15 (2) Presence of a contagious disease, if known;
- 16 and
- 17 (3) Date and time of death.

18 d. The registered nurse, upon completion of the death
19 certificate, shall contact the funeral home identified by the
20 family. The funeral home shall be responsible for transporting
21 the deceased person to the funeral home.

22 e. The healthcare facility or licensed home healthcare
23 provider shall have adopted written policies and procedures
24 that provide for the determination and pronouncement of
25 death by a registered nurse under this Section. A registered

1 nurse employed by any healthcare facility may not make a
2 determination or pronouncement of death under this Section
3 unless the facility has written policies and procedures
4 implementing and ensuring compliance with this Act.

5 f. The Police Department and the Chief Examiner
6 shall immediately be notified of any deaths which are of a
7 different nature than anticipated or are suspicious in nature.

8 g. In this Section,

9 (1) **'Determination of Death'** means diagnosis of
10 death based on observation and assessment of
11 absence of human response.

12 (2) **'Healthcare Facility'** means a private,
13 municipal, state, federal or military hospital, mental
14 health and substance abuse hospital, public health,
15 skilled nursing facility, kidney disease and cancer
16 treatment center (excluding freestanding units),
17 intermediate care facility, long-term care facility,
18 nursing home, hospice facility or home health
19 agency.

20 (3) **'Anticipated Death'** means a death caused by
21 life-limiting illness, infirmity, or disease, following
22 certification by the attending physician that the
23 prognosis was discussed with the patient and the
24 patient's family, and that the patient consented to a

1 ‘No Resuscitation’ order or has executed an
2 Advanced Directive indicating the same.

3 h. **Limitation of Liability.** A registered nurse who
4 determines death in accordance with this Act is not
5 liable for civil damages or subject to criminal
6 prosecution for the registered nurse’s actions based on
7 the determination of death. A person who acts in good
8 faith in reliance on a registered nurse’s determination
9 of death is not liable for civil damages or subject to
10 criminal prosecution for the person’s actions.”

11 **Section 3. Subsection (e) of 10 GCA §3216 is *amended* to read:**

12 “(e) The medical certification shall be completed and
13 signed within twenty-four (24) hours after death by a registered
14 nurse pursuant to 10 GCA §12332; or by the physician in charge
15 of the patient’s care for the illness or condition which resulted
16 in death, except when the patient has received no medical
17 attention within seventy-two (72) hours prior to death, or when
18 inquiry is required in accordance with the Post-Mortem
19 Examination Act (Chapter 81, Title 10, Guam Code
20 Annotated).”

21 **Section 4. Severability.** *If* any provisions of this Act or its
22 application to any person or circumstance is found to be invalid or
23 contrary to law, such invalidity shall *not* affect other provisions or
24 applications of this Act which can be given effect without the invalid

- 1 provisions or applications, and to this end the provisions of this Act
- 2 are severable.