

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health Regulation Committee

BILL: SB 1958

INTRODUCER: Senator Wise

SUBJECT: Death and Fetal Death Registration

DATE: March 10, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HR	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill authorizes advanced registered nurse practitioners to issue certificates of death or fetal death.

This bill amends section 382.008, Florida Statutes.

II. Present Situation:

Registration of Death and Fetal Death

Chapter 382 is the Florida Vital Statistics Act. Section 382.008, F.S., provides requirements for the registration of death or fetal death in Florida. A certificate for each death and fetal death which occurs in Florida must be filed on a form prescribed by the Department of Health with the local registrar of the district in which the death occurred within 5 days after such death and before final disposition, and must be registered by such registrar if it has been completed and filed in accordance with ch. 382, F.S., or adopted rules. The certificate must include the decedent's social security number, if available. In addition, each certificate of death or fetal death may include aliases. The funeral director who first assumes custody of a dead body or fetus must file the certificate of death or fetal death.

In the absence of the funeral director, the physician or other person in attendance at or after the death must file the certificate of death or fetal death. The person who files the certificate must obtain personal data from the next of kin or the best-qualified person or source available. The medical certification of cause of death must be furnished to the funeral director, either in person or via certified mail, by the physician or medical examiner responsible for furnishing such

information. For fetal deaths, the physician, midwife, or hospital administrator must provide any medical or health information to the funeral director within 72 hours after expulsion or extraction.

The State Registrar may receive electronically a certificate of death or fetal death, which is required to be filed with the registrar through facsimile or other electronic transfer for the purpose of filing the certificate. The receipt of a certificate of death or fetal death by electronic transfer constitutes delivery to the State Registrar as required by law.

Within 72 hours after receipt of a death or fetal death certificate from the funeral director, the medical certification of cause of death must be completed and made available to the funeral director by the physician in charge of the decedent's care for the illness or condition which resulted in death, the physician in attendance at the time of death or fetal death or immediately before or after such death or fetal death, or the medical examiner if s. 382.011, F.S., applies. The physician or medical examiner shall certify over his or her signature the cause of death to the best of his or her knowledge and belief.

The local registrar may grant the funeral director an extension of time upon a good and sufficient showing of any of the following conditions: an autopsy is pending; toxicology, laboratory, or other diagnostic reports have not been completed; or the identity of the decedent is unknown and further investigation or identification is required.

If the physician or medical examiner has indicated that he or she will sign and complete the medical certification of cause of death, but will not be available until after the 5-day registration deadline, the local registrar may grant an extension of 5 days. If a further extension is required, the funeral director must provide written justification to the registrar.

If the local registrar has granted an extension of time to provide the medical certification of cause of death, the funeral director must file a temporary certificate of death or fetal death, which must contain all available information, including the fact that the cause of death is pending. The physician or medical examiner must provide an estimated date for completion of the permanent certificate.

A permanent certificate of death or fetal death, containing the cause of death and any other information, which was previously unavailable, must be registered as a replacement for the temporary certificate. The permanent certificate may also include corrected information if the items being corrected are noted on the back of the certificate and dated and signed by the funeral director, physician, or medical examiner, as appropriate.

Nursing

Part I, ch. 464, F.S., governs the practice of nursing and sets forth requirements for licensure of registered nurses and licensed practical nurses. The part provides grounds for which a nurse may be subject to discipline if he or she violates any of the grounds. Section 464.018(1)(n), F.S., provides a ground for which a nurse may be disciplined if he or she engages in acts for which the nurse is not qualified by training or experience.

Advanced registered nurse practitioners may perform all duties of a registered nurse and advanced level nursing in accordance with established protocols, including managing selected medical problems, monitoring and altering drug therapies, initiating appropriate therapies for certain conditions, performing physical examinations, ordering and evaluating diagnostic tests, ordering physical and occupational therapy, and initiating and monitoring therapies for certain uncomplicated acute illnesses.

Part I, ch. 464, F.S., requires the Board of Nursing to adopt rules authorizing advanced registered nurse practitioners to perform acts of medical diagnosis and treatment, prescription, and operation, which are identified and approved by a joint committee. The joint committee is composed of three members appointed by the Board of Nursing, two of whom must be advanced registered nurse practitioners; three members appointed by the Board of Medicine, two of whom must have had work experience with advanced registered nurse practitioners; and the Secretary of Health or the secretary's designee. The Board of Nursing must adopt rules authorizing the performance of any such acts approved by the joint committee.

Advanced registered nurse practitioners may perform medical acts under the general supervision of a medical physician, osteopathic physician, or dentist within the framework of standing protocols, which identify the medical acts to be performed, and the conditions for their performance. The Board of Nursing and the Board of Medicine have filed identical administrative rules setting forth standards for the protocols¹, which establish obligations on medical physicians, osteopathic physicians, and dentists who enter into protocol relationships with advanced registered nurse practitioners. The Board of Osteopathic Medicine and the Board of Dentistry, which have regulatory jurisdiction over osteopathic physicians and dentists, respectively, are not required to adopt administrative rules regarding the standards for advanced registered nurse practitioner protocols. Although advanced registered nurse practitioners may prescribe medications in accordance with a protocol, they cannot prescribe controlled substances.

III. Effect of Proposed Changes:

The bill authorizes advanced registered nurse practitioners to issue certificates of death or fetal death.

The effective date of the bill is July 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

¹ See Rules 64B-4.010 and 64B-35.002, Florida Administrative Code.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Health may incur some costs for training advanced registered nurse practitioners on the procedures for certifying deaths. Such costs should be minimal since the training by the Office of Vital Statistics is usually web-based training.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
