

TITLE 3: HUMAN RESOURCES
DIVISION 2: HEALTH

§ 2876. Determination of Death by a Certified Physician Assistant; Certified Nurse Practitioner; and Certified Emergency Medical Technician.

The determination of death shall be of the following:

(a) A person shall be considered legally dead if there is irreversible cessation of spontaneous respiratory and circulatory functions; or

(b) If artificial means of support preclude a determination that spontaneous respiratory and circulatory functions have ceased, a person will be considered legally dead if announced in opinion of a certified physician assistant, certified nurse practitioner, or certified emergency medical technician based on accepted medical standards, there is irreversible cessation of all spontaneous brain function; provided, however, that said certified physician assistant, certified nurse practitioner, or certified emergency medical technician first makes a reasonable effort to contact the attending physician before making such determination or pronouncement; provided further that such determination or pronouncement be made in writing on a form approved by the Secretary of Public Health and subscribed under the penalties of perjury; and provided further, that the medical examiner be notified forthwith of the exact location to which the decedent has been removed.

Death will have occurred at the time when the relevant functions ceased. Death is to be pronounced before artificial means of supporting respiratory and circulatory functions are terminated.

Source: PL 17-35 § 3(2816) (March 23, 2011).