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SUSAN M. SHANAMAN

ATTORNEY AT LAW

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INDEPENDENT REGULATORY
REVIEW COMMISSION

212 North Third Street
Suite 203
Harrisburg, PA 17101-1505
(717) 236-2055
(717) 236-2070 FAX

December 5, 2005

Gerald S. Smith, Board Counsel
State Board of Medicine
PO Box 2649
Harrisburg, Pennsylvania 17105-2649

RE: State Board of Medicine Proposed Rulemaking on Physician
Assistants #16A-4916 (#2505)

Dear Mr. Smith:

Attached are the Comments of the Pennsylvania State Coroners Association regarding the above-captioned rulemaking published on November 5, 2005 at 35 PA Bulletin 6127.

Pursuant to Sections 5.1(a) and (b) of the Regulatory Review Act (71 P.S. § 745.5a(a) and (b)) the Pennsylvania State Coroners Association requests notice when the Board of Medicine submits the final-form regulation to the Committees and IRRC, as well as a copy of any amendments or changes to the proposed version. Said notice and any changes may be sent to the undersigned on behalf of the Association.

Sincerely,



Susan M. Shanaman, Attorney for the
Pennsylvania State Coroners Association

Cc: John R. McGinley, Jr., Chairman IRRC
Senator Robert M. Tomlinson, Chairman
Representative Thomas P. Gannon, Chairman
Scott Grim, Lehigh County Coroner
Michael Norris, Cumberland County Coroner

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INDEPENDENT REGULATORY
REVIEW COMMISSION

**Comments of the Pennsylvania State Coroners Association Regarding
the State Board of Medicine Proposed Rulemaking on Physician
Assistants #16A-4916 (#2505)**

The State Board of Medicine had published in the Pennsylvania Bulletin on November 5, 2005 (35 Pa.B. 6127) the above-captioned proposed rulemaking suggesting changes in the rules of physician delegation to physician assistants (PA).

As part of its proposal, the State Board of Medicine is eliminating the prohibition on PA's pronouncing death, current § 18.152. The Board proposes to replace the existing prohibition with the following:

“(c) The physician assistant may pronounce death, but not the cause of death, and may authenticate with his signature any form related to pronouncing death.” § 18.151

In its discussion, the Board states that it is the intent that the amendment only allows pronouncement of death and that certification as to cause of death will continue to be reserved to the supervising physician or a coroner as set forth in section 502 of the Vital Statistics Law of 1953 (35 P.S. § 450.502).

Section 503 of the Act (35 P.S. § 450.503) requires the coroner to be notified in cases where there is no attending physician, where the attending physician “is physically unable to supply the necessary data”, or where the death is sudden, violent, suspicious or the result of other than natural causes. In every instance of a coroner referral under this section the coroner is required to make “an immediate investigation and shall supply the necessary data, including the medical certification of the death”. It is therefore crucial that in those cases where the coroner is required to conduct an investigation, that the coroner be notified of the death prior to release of the deceased to a funeral director.

In 1991 the General Assembly amended the Vital Statistics Law of 1953 to add section 507 (35 P.S. § 450.507) to allow professional nurses to pronounce death. In that provision at subsection (b) the legislature included a requirement that in cases where there is an attending physician, the professional nurse must notify the attending physician prior to the release of the deceased to the funeral director. This is to ensure that the physician will sign the certification of death when available. In that provision at subsection (c) the legislature included a requirement that in cases of coroner referrals, “the professional nurse shall notify the county coroner, and the authority to release the body of the deceased to the funeral director shall be that of the coroner”.

Without a requirement from the State Board of Medicine that the PA who is pronouncing death notify the attending physician, there is no assurance that the physician will certify the cause and manner of death. Without a requirement from the State Board of Medicine that the PA who is pronouncing death notify the county coroner in those

cases as set forth in the law, the statutory requirement that the coroner conduct an immediate investigation and provide the certification of death (cause and manner) will be nullified.

The Pennsylvania State Coroners Association requests that the Board clarify the language of the proposed rulemaking to specify a requirement for attending physician and/or coroner notification by PAs in those instances required by law.