

<h1 style="margin: 0;">Regulatory Analysis Form</h1> <p style="margin: 0;">(Completed by Promulgating Agency)</p>		<p>INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p style="font-size: 1.5em; font-weight: bold; margin: 10px 0;">RECEIVED</p> <p style="font-size: 0.8em;">Independent Regulatory Review Commission</p> <p style="font-size: 1.1em;">April 22, 2026</p>
<p>(All Comments submitted on this regulation will appear on IRRC's website)</p>		
<p>(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of Nursing</p>		
<p>(2) Agency Number: 16A Identification Number: 5151</p>		<p>IRRC Number: 3486</p>
<p>(3) PA Code Cite: 49 Pa. Code §§ 21.145 and 21.145a</p>		
<p>(4) Short Title: LPN Pronouncement of Death</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Judith Pachter Schulder, Counsel, State Board of Nursing, Department of State; (717) 783-7200; P.O. Box 69523, Harrisburg, PA 17106-9523; (717)787-0251; jschulder@pa.gov</p> <p>Secondary Contact: Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251) jawolfgang@pa.gov</p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation</p> <p><input type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation:</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>This rulemaking is needed to implement act of October 31, 2024, (P.L. 1140, No. 137) (Act 137 of 2024) which added section 508 of the Vital Statistics Law of 1953 (VSL) (35 P.S. § 450.508) to authorize licensed practical nurses (LPNs), under subsection (a) to pronounce death in this Commonwealth provided: (1) the LPN is employed by a licensed hospice in the direct care of patients of the hospice, (2) the patient is in the care of a licensed hospice, (3) the patient has a valid “Do Not Resuscitate Order,” (4) the LPN had conducted a focused assessment identifying cessation of circulatory and respiratory functions, and (5) the LPN has received the training in section 508(e) of the VSL (35 P.S. § 450.508(e)). Section 508(b) and (c) of the VSL (35 P.S. § 450.508(b) and (c)) also authorizes LPNs who fall within subsection (a) to release the body of the deceased to a funeral director or a county coroner, depending on whether the circumstances require a coroner’s investigation.</p>		
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p>		

Section 17.6 of the Practical Nurse Law (PN Law) (63 P.S. § 667.6) sets forth the Board's general rulemaking authority. Section 508(g) of the VSL (35 P.S. § 450.508(g)) authorizes the Board to promulgate regulations implementing the amendments in Section 508 of the VSL. These amendments authorize LPNs to pronounce death in this Commonwealth and release the body of the deceased to a funeral director or a county coroner.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

While regulations are not required for LPNs to pronounce death and release a deceased's remains once the specified training is provided by the hospice, section 508(g) of the VSL (35 P.S. § 450.508(g)) authorizes the Board to promulgate regulations implementing Act 137 of 2024. The proposed regulations will provide clarity to the board's licensees, funeral directors, coroners, hospice facilities and family members of hospice patients.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Prior to the amendment to the VSL, the authority to pronounce death in a home hospice setting was limited to registered nurses (RNs), physicians, physician assistants (PAs) and coroners. As a practical matter, that means that an LPN, who is often present and delivering end-of-life care to hospice patients, has to contact an RN and wait for the RN's arrival for the deceased to be pronounced dead, the family contacted, if they are not present, and the body released to a funeral director or county coroner. This approach is not practical or efficient. Moreover, it is not compassionate to grieving families to wait, sometimes hours, for the RN to arrive to have their loved one removed. The VSL expanded the scope of practice for LPNs with respect to pronouncing death. Incorporating this expanded authority into § 21.145, which delineates the functions of licensed practical nurses, will clarify for licensees and the public that LPNs are permitted to pronounce death in a hospice setting when specified requirements are met. The Board further clarifies that this authority to pronounce death does not extend to determining the cause of death.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No. There are no Federal standards on the topic.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

This regulation will not adversely affect Pennsylvania's ability to compete with other states. The purpose of this rulemaking is to clarify the Board's regulations regarding the functions of an LPN and to ensure that the regulations are consistent with Act 137 of 2024, which authorizes LPNs who meet specific requirements to pronounce death in this Commonwealth under certain circumstances. LPNs are often present and delivering end-of-life care to hospice patients in licensed hospice facilities, making the pronouncement of death by practitioners other than physicians, PAs, certified registered nurse practitioners (CRNPs) and RNs more efficient and would allow the other practitioners to provide needed care to other patients within the facility.

In comparing the proposed regulation to other states, the Board researched states in the Northeastern region of the United States, specifically Delaware, Maryland, New Jersey, New York, Ohio and West Virginia. Of these states New York and West Virginia allow LPNs to pronounce death in the absence of physicians, RNs, including advanced practice registered nurses, and PAs.

The following is a summary of the requirements in aforementioned states:

Delaware

LPNs are not authorized to pronounce death. Under Title 16 of the Delaware Code § 3123, Only the attending physician, medical examiner, a registered nurse or an advanced practice registered nurse, or the medical control physician may pronounce death. There was a bill introduced June 2025 in the Delaware House of Representatives which proposed to include PAs with those able to pronounce death and remove RNs.

Maryland

LPNs are not authorized to pronounce death. Under Maryland Code, Health - General, § 4-212 only the medical examiner, physician, nurse practitioner or PAs may complete a death certificate.

New Jersey

LPNs are not authorized to pronounce death. Under New Jersey Administrative Code § 13:35-6.2 only a physician, PAs or paramedic are authorized to pronounce death.

New York

LPNs are authorized to pronounce death under certain circumstances as another person to whose knowledge the death may come, but given the nature of practice for LPNs, their presence would more likely be categorized under medical attendance where a physician or CRNP would be within the facility. Under the Laws of New York Chapter 45, Article 41, Title 4, when notified of any death occurring without medical attendance, the coroner or medical examiner shall immediately investigate as provided by law and shall certify.

Ohio

LPNs are not authorized to pronounce death. Under Ohio Administrative Code Rule 4731-14-01, only the following classes of nurses may pronounce death: CRNPs, clinical nurse specialists or RNs; LPNs only qualify as a 'competent observer' to recite the facts of the deceased's present medical condition to a physician, who may then pronounce death without examining the body.

West Virginia

LPNs are authorized to pronounce death under certain circumstances as a designated licensed health professional where there is no physician, PAs or advanced practice registered nurse available. Under West Virginia Code § 16-5-19 when death occurs in an institution when there is no physician available to

pronounce death, then a designated licensed health professional who views the body may pronounce death, attest to the pronouncement by signature or an approved electronic process and, with the permission of the person responsible for the medical certification, release the body to the funeral director or other person for final disposition. In the absence of the physician, advanced practice registered nurse, or PA or with his or her approval, the certificate may be completed by his or her associate physician, any physician who has been placed in a position of responsibility for any medical coverage of the decedent, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent.

Based on these requirements from other states, the Board believes that this regulation will not place Pennsylvania at a competitive disadvantage. In fact, while the Board does not have discretion on this issue as the VSL authorizes LPNs to pronounce death and sets forth the standards, the ability for physicians, CRNPs, PAs and RNs to care for other patients without having to stop and pronounce a hospice patient dead, makes Pennsylvania more competitive.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No. The regulation does not affect any other regulations of the agency or any other state agencies. While the Department of Health implements the VSL and regulates hospices, the purpose of this proposed regulation is to clarify the Board's regulations regarding the functions of an LPN.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Board discusses its regulatory proposals at regularly scheduled public meetings of the Board. Representatives of the professional associations representing the regulated community routinely attend those meetings.

The Board began discussions about the regulation after Act 137 of 2024 was enacted. A draft of the regulation was discussed at the Board's December 12, 2024, January 22, 2025, and March 6, 2025, meetings. On April 15, 2025, the Board sent an exposure draft of the proposal out to stakeholder groups and individuals who indicated an interest in the Board's regulatory agenda. The Board received 4 comments, which the Board reviewed at its meeting on September 5, 2025. All but one of the comments, including one from the Pennsylvania State Nurses Association, supported the proposal. The Associate Dean of Harrisburg Area Community College's School of Health Sciences commented that the training requirements may not be adequate for LPN pronouncement in different scenarios and that the conditions for LPN pronouncement might be misinterpreted. The Board considered the comments received at its September 5, 2025, meeting. Because the training requirements are statutorily mandated, the Board does not have the discretion to require more than that required in the VSL. Following discussion at that meeting, the Board voted to adopt the regulation in proposed form.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Existing LPNs who provide care to hospice patients could be affected by the regulation, including those that are or work for small businesses. Because the Board does not track where licensees, including LPNs, work, the Board cannot determine the number of existing LPNs who will make these pronouncements in this Commonwealth. As of January 24, 2025, there are 49,015 LPNs licensed in this Commonwealth.

According to the Pennsylvania Department of Labor and Industry in 2022 (the most recent year for which data is available) LPNs provide their services in a variety of settings. LPNs are employed in the following settings: Skilled Nursing Care Facilities (22.01%), Home Health Care Services (20.28%), Offices of Physicians (12.27%), Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly (11.22%), General Medical and Surgical Hospitals (8.85%) and Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities (5.50%). It is also noted that LPNs work in Outpatient Care Centers (4.48%), Employment Services (3.33%), State Government, Excluding Education and Hospitals (2.06%) and Local Government, Excluding Education and Hospitals (1.83%).

Small businesses are defined in Section 3 of the Regulatory Review Act, (71 P.S. § 745.3) which provides that a small business is defined by the SBA's Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the 2023 NAICS standards to the types of businesses where licensees may work: Skilled Nursing Care Facilities (NAICS code 623110), Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly (NAICS code 623311) and Employment Placement Agencies (NAICS code 561311) have a small business threshold of \$34 million or less in average annual receipts; Home Health Care Services (NAICS code 621610) and Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities (NAICS code 623210 & 623220) have a small business threshold of \$34 million or less in average annual receipts; Offices of Physicians (NAICS code 621111) have a threshold of \$16 million or less, General Medical and Surgical Hospitals (NAICS code 622110) have a threshold of \$47 million or less, and Outpatient Care Centers (NAICS code 621498) have a threshold of \$25.5 million or less.

According to the Small Business Administration (SBA), there are approximately 1,169,008 small businesses in Pennsylvania, which is 99.6% of all Pennsylvania businesses. Of the 1,169,008 small businesses, 230,244 are small employers (those with fewer than 500 employees) and the remaining 938,764 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses. Many of the hospitals and health systems in Pennsylvania would not be considered small businesses under these thresholds as that term is defined by the SBA and Pennsylvania's Regulatory Review Act. However, the Board does not collect information on the size of the hospitals and health systems with hospice units where LPNs are employed.

Both the hospitals and health systems with hospice units where LPNs are employed and LPNs will benefit from this proposed regulation as the rulemaking will conform the Board's regulations with Act 137, clarifying any confusion over the recent updates to the VSL. In addition, this proposed regulation will have a positive impact on families of deceased hospice patients, hospice providers, funeral directors and coroners as they will not have to wait for a physician, CRNP, PA or RN to arrive to declare a hospice patient who meets the requirements of the Act deceased as LPNs are present in hospice care facilities providing care to its patients when a death occurs. Further, allowing LPNs to pronounce death in limited circumstances allows the other identified practitioners to continue to care for their other patients.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Existing LPNs who provide care to hospice patients and who complete the required training may pronounce the death of hospice patients with DNRs and release their remains to funeral directions and coroners. Because the Board does not track where licensees, including LPNs work, the Board cannot determine the number of existing LPNs who will make these pronouncements in this Commonwealth. As of January 24, 2025, there are 49,015 LPNs licensed in this Commonwealth.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

There is no financial impact on LPNs in this regulation as there are no additional licensure requirements and the cost of the training is borne by hospice providers, not LPNs. Also, LPNs are not required to complete continuing education, other than child abuse, as a condition of biennial renewal, and the VSL does not impose an obligation on LPNs to keep track of or report the hospice training they receive. Nonetheless, because the hospices are required to provide the required trainings under the VSL, the hospices will keep track of who attended so as to document their compliance in the event of an audit or an inspection.

This proposed regulation will have a positive impact on hospice patients, their families, hospice providers, funeral directors and coroners as they will not have to wait for a physician, physician assistant or registered nurse to declare a person dead, especially where an LPN is available and providing care to the patient when the death occurs. Further, allowing LPNs to pronounce death in limited circumstances allows physicians, CRNPs, PAs and RNs to continue to care for their other patients.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

There are no costs or adverse effects to this regulation.

(19) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or any additional legal, accounting or consulting procedures to the regulated community associated with the rulemaking.

(20) Provide a specific estimate of the costs and/or savings to the local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to local governments associated with compliance with the rulemaking.

(21) Provide a specific estimate of the costs and/or savings to the state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to state government associated with compliance with the rulemaking.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There are no legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork required for implementation of the regulation. LPNs are not required to complete continuing education, other than child abuse, as a condition of biennial renewal, and the VSL does not impose an obligation on LPNs to keep track of or report the hospice training they receive. Nonetheless, because the hospices are required to provide the required trainings under the VSL, the hospices will keep track of who attended so as to document their compliance in the event of an audit or an inspection.

(22a) Are forms required for implementation of the regulation?

No.

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

N/A

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY FY 25-26	FY +1 FY 26-27	FY +2 FY 27-28	FY +3 FY 28-29	FY +4 FY 29-30	FY +5 FY 30-31
SAVINGS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Savings	\$0	\$0	\$0	\$0	\$0	\$0
COSTS:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A

State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Costs	\$0	\$0	\$0	\$0	\$0	\$0
REVENUE LOSSES:						
Regulated Community	N/A	N/A	N/A	N/A	N/A	N/A
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	N/A	N/A	N/A	N/A	N/A	N/A
Total Revenue Losses	\$0	\$0	\$0	\$0	\$0	\$0

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY -3 2022-2023 (actual)	FY -2 2023-2024 (actual)	FY -1 2024-2025 (estimated)	Current FY 2025-2026 (budgeted)
State Board of Nursing	\$18,527,285.61	\$17,342,612.20	\$24,048,729.35	\$23,526,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The regulation has no adverse impact on small business.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The Board has identified no special groups that needed special provisions. Act 137 of 2024 applies equally to all LPNs.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory provisions have been considered. The Board believes that these regulations provide the least burdensome means of complying with Act 137 of 2024.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

Responses:

- a) & b) The Board did not consider less stringent reporting requirements or deadlines for small businesses or for LPNs that intend to work at hospices housed in small businesses. All LPNs are treated equally.
- c) There are no compliance or reporting requirements that could be consolidated or simplified. LPNs' ability to pronounce death is the same whether an LPN is employed by a hospice at a small business or a large business.
- d) The regulations do not contain design or operational standards that need to be altered for small businesses.
- e) The Board did not consider an exemption for small businesses as they are not regulated by this proposed regulation.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data, studies or references were used to justify the regulation.

(29) Include a schedule for review of the regulation including:

A. The length of the public comment period: 30 days

B. The date or dates on which any public meetings or hearings will be held:

No public hearings were scheduled or held. The Board discusses its regulatory proposals at regularly scheduled meetings. Act 137 of 2024

and this rulemaking were discussed at public board meetings on December 12, 2024, January 22, March 6, and September 5, 2025.

- C. The expected date of delivery of the final-form regulation: Winter 2026
- D. The expected effective date of the final-form regulation: Upon publication of final-form rulemaking in the *Pennsylvania Bulletin*.
- E. The expected date by which compliance with the final-form regulation will be required:
Upon publication as final.
- F. The expected date by which required permits, licenses or other approvals must be obtained:
N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continually reviews the efficacy of its regulations as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings. The Board will meet in 2026 on April 20, June 2, July 14, September 11, October 23, and December 14. More information can be found on the Board's website.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

April 22, 2026

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to
form and legality. Attorney General

**Katherine P.
Zimmermann**

Digitally signed by
Katherine P. Zimmermann
Date: 2026.04.09 11:12:15
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BY: _____
(DEPUTY ATTORNEY GENERAL)

April 9, 2026

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections
attached.

Copy below is here by certified to be a true and correct copy
of a document issued, prescribed or promulgated by:

Bureau of Professional and Occupational Affairs
and the State Board of Nursing
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 16A-5151

DATE OF ADOPTION: _____



BY: _____
Colby P. Hunsberger, DNP, RN, CNEcl

TITLE Chair, State Board of Nursing

Copy below is hereby approved as to form
and legality. Executive or Independent Agencies.



Digitally signed by Cynthia K.
Montgomery
DN: cn=Cynthia K. Montgomery, o,
ou, email=cymontgome@pa.gov,
c=US
Date: 2026.03.23 09:52:52 -04'00'

BY: _____
(Deputy General Counsel)
(~~Chief Counsel, Independent Agency~~)
(Strike inapplicable title)

March 23, 2026

DATE OF APPROVAL

Check if applicable. No Attorney General
approval or objection within 30 days after
submission.

NOTICE OF PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF NURSING

TITLE 49 PA CODE CHAPTER 21

§§ 21.145 and 21.145a

LPN PRONOUNCEMENT OF DEATH

The State Board of Nursing (board) proposes to amend §§ 21.145 and 21.145a (relating to functions of the LPN; and prohibited acts) to read as set forth in Annex A.

Effective date

This proposed rulemaking will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory authority

Section 17.6 of the Practical Nurse Law (PN Law) (63 P.S. § 667.6) sets forth the board's general rulemaking authority. The act of October 31, 2024, (P.L. 1140, No. 137) (Act 137 of 2024) added section 508 of the Vital Statistics Law of 1953 (VSL) (35 P.S. § 450.508) to authorize licensed practical nurses (LPNs) to pronounce death in this Commonwealth under certain circumstances. Section 508(g) of the VSL (35 P.S. § 450.508(g)) authorizes the board to promulgate regulations implementing Act 137 of 2024.

Under section 508(a) of the VSL (35 P.S. § 450.508(a)) an LPN is authorized to pronounce death provided: (1) the patient is in the care of a licensed hospice, (2) the patient has a valid "Do Not Resuscitate Order" (DNR), (3) the LPN had conducted a focused assessment identifying cessation of circulatory and respiratory functions as provided under section 3 of the Uniform Determination of Death Act (35 P.S. § 10203), and (4) the LPN meets the training requirements in section 508(e) of the VSL (35 P.S. § 450.508(e)). Additionally, under section 508(b) and (c) of the VSL (35 P.S. § 450.508 (b) and (c)), an LPN is authorized to release the body of the deceased to a funeral director or a county coroner, depending on whether the circumstances require a coroner's investigation.

Background and purpose

Prior to the recent amendment to the VSL, the authority to pronounce death in a home hospice setting was limited to registered nurses (RNs), physicians, physician assistants and coroners. As a practical matter, that means that an LPN, who is often present and delivering end-of-life care to hospice patients, has to contact an RN and wait for the RN's arrival for the deceased to be pronounced dead, the family contacted, if they are not present, and the body released to a funeral director or county coroner. This approach is not practical or efficient. Moreover, it is not compassionate to grieving families to wait, sometimes hours, for the RN to arrive to have their loved one removed.

While regulations are not required for LPNs to pronounce death and release a deceased's remains once the specified training is provided by the hospice, section 508(g) of the VSL authorizes the board to promulgate regulations implementing Act 137 of 2024. The proposed regulations will provide clarity to the board's licensees, as well as funeral directors and coroners.

Engagement with stakeholders

The board began discussions about the regulation after Act 137 of 2024 was enacted. A draft of the regulations was discussed at the board's December 12, 2024, January 22, 2025, and March 6, 2025, meetings. On April 15, 2025, the board sent an exposure draft of the proposal out to stakeholder groups and individuals who indicated an interest in the board's regulatory agenda.

The board received four comments, which the board reviewed at its meeting on September 5, 2025. All but one of the comments, including one from the Pennsylvania State Nurses Association, supported the proposal. The Associate Dean of Harrisburg Area Community College's School of Health Sciences commented that the training requirements may not be

adequate for LPN pronouncement in different scenarios and that the conditions for LPN pronouncement might be misinterpreted.

The board considered the comments received at its September 5, 2025, meeting. Because the training requirements are statutorily mandated, the board does not have the discretion to require more than that required in the VSL. Following discussion at that meeting, the board voted to adopt the regulation in proposed form.

Description of the proposed amendments

In light of Act 137 of 2024, the board is proposing to add § 21.145(h), which includes the four requirements in section 508(a) of the VSL as well as the minimum 3 hours of training from the hospice in vital signs, postmortem care, grief and circumstances requiring a coroner's investigation as required by section 508(e) of the VSL. The board also proposes to add paragraph (i) to address when an LPN may release the body of a deceased patient in the care of a licensed hospice to a funeral director or coroner. Release to a funeral director follows notification to the attending physician or CRNP and the family when the circumstances surrounding the nature of the death are anticipated and do not require a coroner's investigation. Otherwise, release requires an investigation into the cause of death and must be made to a coroner.

Finally, the board proposes to amend § 21.145a by adding subsection (b) to clarify the prohibition set forth in section 508(d) of the VSL (35 P.S. § 450.508(d)) that even when authorized to pronounce death, LPNs are prohibited from determining the cause of death.

Fiscal Impact and Paperwork Requirements

The proposed amendments will have no fiscal impact on and will not add any paperwork requirements to the board or LPNs. The additional hours of training required by section 508(e) of the VSL are provided and tracked by hospices as part of their documentation of compliance with

the VSL in the event of an audit or an inspection by the Department of Health without any involvement from the board.

Sunset Date

The board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on Wednesday, April 22, 2026, the board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Consumer Protection and Professional Licensure Committee of the Senate and the Professional Licensure Committee of the House of Representatives. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the board, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to the Regulatory Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov within 30 days following

publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference 16A-5151 (LPN Pronouncement of Death) when submitting comments.

Colby P. Hunsberger, DNP, RN
Chair

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 21. STATE BOARD OF NURSING

SUBCHAPTER B. PRACTICAL NURSES

GENERAL PROVISIONS

§ 21.145. Functions of the LPN.

* * * * *

(h) An LPN may pronounce death if all of the following are met:

(1) The LPN is employed by a licensed hospice in the direct care of patients of the hospice.

(2) The patient is in the care of a licensed hospice.

(3) The patient has a valid “Do Not Resuscitate Order” issued in accordance with the laws of this Commonwealth.

(4) The LPN has conducted a focused assessment to identify the cessation of circulatory and respiratory functions as provided under section 3 of the Uniform Determination of Death Act (35 P.S. § 10203).

(5) The LPN has met the training requirements in section 508 (e) of the Vital Statistics Law of 1953 (35 P.S. 450.508(e)) including a minimum of 3 hours of training annually from the hospice on vital signs to determine cessation of circulatory and respiratory function, postmortem care, grief and circumstances requiring a coroner’s investigation.

(i) An LPN who meets the qualifications in subsection (h) may release the body of a deceased patient in the care of a licensed hospice to one of the following, as applicable:

(1) A funeral director after notice has been given to the attending physician or CRNP, if the deceased has an attending physician or CRNP, and to the family as soon as practicable, if the circumstances surrounding the nature of the death do not require a coroner's investigation.

(2) The county coroner if the circumstances surrounding the nature of the death are not anticipated and require a coroner's investigation.

§ 21.145a. Prohibited acts.

(a) An LPN may not perform the following IV therapy functions:

* * * * *

(b) Even when authorized to pronounce death under § 21.145(h) (related to functions of the LPN), an LPN is prohibited from determining the cause of a patient's death.



Pennsylvania
Department of State

April 22, 2026

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
Forum Place
555 Walnut Street, Suite 804
Harrisburg, PA 17101

Re: Proposed Rulemaking
State Board of Nursing
16A-5151: LPN Pronouncement of Death

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Nursing pertaining to LPN Pronouncement of Death.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in blue ink that reads "Colby P. Hunsberger".

Colby P. Hunsberger, DNP, RN, CNEcl
State Board of Nursing

CPH/JAW/ag
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Robert Beecher, Policy Director, Department of State
Andrew LaFratte, Deputy Policy Director, Department of State
Miguel Ruiz, Assistant Deputy Secretary of Policy and Planning
Jason C. Giurintano, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State
Judith P. Schulder, Board Counsel, State Board of Nursing
State Board of Nursing

From: [Smeltz, Jennifer](#)
To: [Gelal, Arjun](#)
Subject: RE: DELIVERY NOTICE OF: REGULATION # 16A-5151 Proposed (LPN Pronouncement of Death)
Date: Wednesday, April 22, 2026 11:23:32 AM
Attachments: [image001.png](#)

RECEIVED

Received.

Independent Regulatory
Review Commission

Jen Smeltz, Executive Director
Consumer Protection and Professional Licensure Committee
Office of Senator Pat Stefano
Phone: (717) 787-7175

April 22, 2026

From: Gelal, Arjun <agelal@pa.gov>
Sent: Wednesday, April 22, 2026 11:03 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Cc: Roland, Joel <joeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-5151 Proposed (LPN Pronouncement of Death)
Importance: High

CAUTION : External Email

This Message Is From an External Sender

This message came from outside your organization.

Please be advised that the State Board of Nursing (Board) is electronically delivering the below-identified proposed rulemaking today (Wednesday, April 22, 2026).

● **16A- 5151 Proposed (LPN Pronouncement of Death)**

This rulemaking is needed to implement act of October 31, 2024, (P.L. 1140, No. 137) (Act 137 of 2024) which added section 508 of the Vital Statistics Law of 1953 (VSL) (35 P.S. § 450.508) to authorize licensed practical nurses (LPNs), under subsection (a) to pronounce death in this Commonwealth provided: (1) the LPN is employed by a licensed hospice in the direct care of patients of the hospice, (2) the patient is in the care of a licensed hospice, (3) the patient has a valid “Do Not Resuscitate Order,” (4) the LPN had conducted a focused assessment identifying cessation of circulatory and respiratory functions, and (5) the LPN has received the training in section 508(e) of the VSL (35 P.S. § 450.508(e)). Section 508(b) and (c) of the VSL (35 P.S. § 450.508(b) and (c)) also authorizes LPNs who fall within subsection (a) to release the body of the deceased to a funeral director or a county coroner, depending on whether the circumstances require a coroner’s investigation.

The Board is requesting a written (email) confirmation of receipt of this delivery from the designated contact person(s) from your office for the Majority or Minority Chair of your office effectuating the electronic delivery.

Thank you for your attention to this matter.



Arjun K. Gelal | Legal Assistant II (*he/him/his*)
Office of Chief Counsel | Department of State
Governor’s Office of General Counsel
2400 Thea Drive, Suite 201 | Harrisburg, PA 17110
Mailing Address: P.O. Box 69523 | Harrisburg, PA 17110-9523
Phone: 717.783-7200 | Fax: 717.787-0251
dos.pa.gov | vote.pa.gov | [Facebook](#) | [Twitter](#)

From: [Monoski, Jesse](#)
To: [Gelal, Arjun](#); [Dimm, Ian](#); [Kelly, Joseph](#); [Vazquez, Enid](#)
Cc: [Roland, Joel](#); [Worthington, Amber](#)
Subject: Re: DELIVERY NOTICE OF: REGULATION # 16A-5151 Proposed (LPN Pronouncement of Death)
Date: Wednesday, April 22, 2026 11:06:33 AM
Attachments: [image001.png](#)

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Independent Regulatory
Review Commission

This notice has been received. Thank you

April 22, 2026

-Jesse Monoski

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From: Gelal, Arjun <agelal@pa.gov>
Sent: Wednesday, April 22, 2026 11:03:26 AM
To: Monoski, Jesse <jesse.monoski@pasenate.com>; Dimm, Ian <ian.dimm@pasenate.com>; Kelly, Joseph <joseph.kelly@pasenate.com>; Vazquez, Enid <enid.vazquez@pasenate.com>
Cc: Roland, Joel <joeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-5151 Proposed (LPN Pronouncement of Death)

■ EXTERNAL EMAIL ■

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Office of Chief Counsel | Department of State
Governor's Office of General Counsel
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Mailing Address: P.O. Box 69523 | Harrisburg, PA 17110-9523
Phone: 717.783-7200 | Fax: 717.787-0251
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From: [Brett, Joseph D.](#)
To: [Gelal, Arjun](#); [Orchard, Kari L.](#); [Barton, Jamie](#)
Cc: [Roland, Joel](#); [Worthington, Amber](#)
Subject: RE: DELIVERY NOTICE OF: REGULATION # 16A-5151 Proposed (LPN Pronouncement of Death)
Date: Wednesday, April 22, 2026 3:14:35 PM
Attachments: [image001.png](#)

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Independent Regulatory
Review Commission

Yes, received.

April 22, 2026

Thank you,

Joe Brett

Research Analyst | House Professional Licensure Committee (D)
Chairman Frank Burns, 72nd Legislative District

From: Gelal, Arjun <agelal@pa.gov>
Sent: Wednesday, April 22, 2026 2:12 PM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>
Cc: Roland, Joel <joeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: RE: DELIVERY NOTICE OF: REGULATION # 16A-5151 Proposed (LPN Pronouncement of Death)

Good Afternoon!

Just following-up for a confirmation that your office received this proposed regulation delivery.

Thank you.

-Arjun

From: Gelal, Arjun
Sent: Wednesday, April 22, 2026 11:04 AM
To: KOrchard@pahouse.net; jbarton@pahouse.net; jbrett@pahouse.net
Cc: Roland, Joel <joeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-5151 Proposed (LPN Pronouncement of Death)
Importance: High

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From: [Nicole Sidle](#)
To: [Gelal, Arjun](#); [Cindy Sauder](#)
Cc: [Roland, Joel](#); [Worthington, Amber](#)
Subject: RE: [EXTERNAL]: DELIVERY NOTICE OF: REGULATION # 16A-5151 Proposed (LPN Pronouncement of Death)
Date: Wednesday, April 22, 2026 11:30:28 AM
Attachments: [jmaqe001.png](#)

Independent Regulatory
Review Commission

April 22, 2026

This has been received.

From: Gelal, Arjun <agelal@pa.gov>
Sent: Wednesday, April 22, 2026 11:04 AM
To: Nicole Sidle <nsidle@pahousegop.com>; Cindy Sauder <csauder@pahousegop.com>
Cc: Roland, Joel <joeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: [EXTERNAL]: DELIVERY NOTICE OF: REGULATION # 16A-5151 Proposed (LPN Pronouncement of Death)
Importance: High

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From: [Bulletin](#)
To: [Leah Brown](#); [Adeline E. Gaydosh](#); [Gelal, Arjun](#)
Cc: [Roland, Joel](#); [Worthington, Amber](#)
Subject: [External] Re: DELIVERY NOTICE OF: REGULATION # 16A-5151 Proposed (LPN Pronouncement of Death)
Date: Wednesday, April 22, 2026 11:17:06 AM
Attachments: [image001.png](#)

Independent Regulatory
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April 22, 2026

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Hello Arjun!

Thank you for sending Proposed Rulemaking 16A-5151. A member of our staff will be in touch regarding the publication date of this Proposed Rulemaking.

Have a great rest of your day!

Leah

From: Gelal, Arjun <agelal@pa.gov>
Sent: Wednesday, April 22, 2026 11:13 AM
To: Bulletin <bulletin@palrb.us>; Leah Brown <lbrown@palrb.us>; Adeline E. Gaydosh <agaydosh@palrb.us>
Cc: Roland, Joel <jjoeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-5151 Proposed (LPN Pronouncement of Death)

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Arjun K. Gelal | Legal Assistant II (*he/him/his*)
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
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Mailing Address: P.O. Box 69523 | Harrisburg, PA 17110-9523
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