

MEMORANDUM

Texas Department of Human Services
Long Term Care Policy * Survey and Certification Clarification

TO: Long Term Care-Regulatory
Regional Directors and State Office Managers

FROM: Evelyn Delgado
Assistant Deputy Commissioner
Long Term Care-Regulatory

SUBJECT: Pronouncement of Death by Licensed Vocational Nurses - **S&CC 03-12**

DATE: July 2, 2003

This memo clarifies the role of the Licensed Vocational Nurse (LVN) in the pronouncement of death.

The Board of Vocational Nurse Examiners (the Board) guidance says that, LVN's are not granted authority to pronounce death if by "pronounce" we mean either to legally determine death or to diagnose death. It is within the LVN's scope of practice to gather data regarding their patients, to recognize significant changes in their patient's condition and to report the data and significant changes to the physician. It is also within the LVN's scope of practice to accept and carry out reasonable physician's orders. Liability for all orders issued is assigned, by law, to the physician.

The Texas State Board of Medical Examiners, Standing Delegation Orders, 22 Texas Administrative Code Chapter 193, §193.9(a) which is promulgated under the Medical Practice Act, Section 3.06(d) (now, Occupations Code, Chapter 157) allows physicians to receive information from Texas licensed vocational nurses through electronic communications (telephone, facsimile transmission, or electronic mail, etc.) for the purpose of death pronouncement. The pronouncement of death is made by the physician based upon information received from the LVN.

Under the circumstances described above, the LVN is carrying out a physician's order, not pronouncing death; therefore, a deficiency should not be cited.

[signature on file]

Evelyn Delgado

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Regional Administrators