

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1568

H.P. 1106

House of Representatives, April 12, 2005

An Act To Allow Nurse Practitioners To Sign Death Certificates

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PINKHAM of Lexington Township.
Cosponsored by Senator MAYO of Sagadahoc and
Representatives: MARRACHÉ of Waterville, PERRY of Calais.

Be it enacted by the People of the State of Maine as follows:

2
4 **Sec. 1. 22 MRSA §2841, first ¶**, as amended by PL 1989, c. 274,
§2, is further amended to read:

6 Except as authorized by the department or as required under
8 section 1596, a certificate of each death of a fetus of 20 or
more weeks of gestation which that occurs in this State shall
10 must be filed with the clerk of the municipality where the
delivery ~~occured~~ occurred within 14 days after delivery and prior
12 to removal of the fetus from the State.

14 **Sec. 2. 22 MRSA §2841, sub-§1**, as amended by PL 1977, c. 232,
§1, is further amended to read:

16 **1. Certificate filed by funeral director.** The funeral
18 director or other authorized person in charge of the disposition
of the dead fetus or its removal from the State ~~shall--be is~~ is
responsible for filing the certificate. In the absence of such a
20 person, the physician, the certified nurse midwife, the nurse
practitioner or other person in attendance at or after the
22 delivery shall be responsible for filing the certificate. ~~--He-~~
~~The person responsible for filing the certificate~~ shall obtain
24 the personal data from the best qualified person or source
available and shall present the certificate to the person
26 responsible for completing the medical certification of the cause
of death.

28 **Sec. 3. 22 MRSA §2841, sub-§2**, as amended by PL 1989, c. 274,
30 §3, is further amended to read:

32 **2. Medical certificate by physician, certified nurse**
midwife or nurse practitioner. The medical certification shall
34 must be completed and signed within 5 days after delivery by the
physician, certified nurse midwife or nurse practitioner in
36 attendance at or after the delivery, except when an inquiry as to
the cause of fetal death is required by law.

38 **Sec. 4. 22 MRSA §2842, sub-§2**, as amended by PL 2003, c. 74,
40 §1 and c. 689, Pt. B, §6, is further amended to read:

42 **2. Medical certificate by physician or nurse practitioner.**
The medical certification of the cause of death must be completed
44 in typewritten or legibly hand-printed style and signed in a
timely fashion by a physician or nurse practitioner authorized to
46 practice in the State who has knowledge of the patient's recent
medical condition, in accordance with department regulations and
48 other laws detailing who can certify and in what time frame,
except when the death falls under the jurisdiction of

2 the medical examiner as provided in section 3025. If the patient
was a resident of a nursing home licensed under section 1817 at
4 the time of death and if the physieian health care provider in
charge of the patient's care or another physieian health care
6 provider designated by the physieian health care provider in
charge had not examined the patient within 48 hours prior to
8 death, or within 2 weeks prior to death in the case of a
terminally ill patient, the physieian health care provider in
10 charge or another physieian health care provider designated by
the physieian health care provider in charge shall examine the
12 body prior to completing the certification of death process. Any
physieian health care provider who fails to complete the medical
14 certification of the cause of death fully, in typewritten or
legibly hand-printed style and in a timely manner, or who fails
16 to examine the body of a nursing home resident prior to
certifying cause of death as required by this section must be
18 reported to the Board of Licensure in Medicine ~~or~~ the Board of
Osteopathic Licensure or the State Board of Nursing, whichever is
20 appropriate, by the State Registrar of Vital Statistics of the
Department of Health and Human Services.

22 For the purposes of this subsection, the following terms have the
following meanings.

24 A. "Life-sustaining procedure" means any medical procedure
26 or intervention that, when administered to a qualified
patient, will serve only to prolong the dying process and
28 does not include nutrition and hydration.

30 B. "Terminally ill patient" means a patient who has been
diagnosed as having an incurable or irreversible condition
32 that, without the administration of life-sustaining
procedures, will, in the opinion of the attending physieian
34 health care provider, result in death within a short time.

36 C. "Health care provider" means a physician authorized to
practice in this State or nurse practitioner.

38 D. "Nurse practitioner" means an advanced practice
40 registered nurse who is a certified nurse practitioner
authorized to practice without the supervision of a
42 physician pursuant to Title 32, chapter 31.

44 **Sec. 5. 22 MRSA §2842, sub-§2-A**, as enacted by PL 2003, c.
46 433, §2, is amended to read:

48 **2-A. Medical certification.** Notwithstanding subsection 2,
with respect to a person who dies within the State naturally and
for whom the physician or nurse practitioner was the attending
50 physieian health care provider, the medical certification of the

2 cause of death may be completed and signed by a physician or
3 nurse practitioner authorized to practice at the Veterans
4 Administration Hospital at Togus or at another federal medical
5 facility within the State or by a physician or an advanced
6 practice registered nurse licensed to practice in New Hampshire,
7 Vermont or Massachusetts, who, at the request of the Chief
8 Medical Examiner, is willing to do so.

9
10 **Sec. 6. 22 MRSA §2843, first ¶**, as amended by PL 1985, c. 231,
11 §1, is further amended to read:

12 Except as authorized by the department, no dead human body
13 shall ~~may~~ be buried, cremated or otherwise disposed of or removed
14 from the State until a funeral director or other authorized
15 person in charge of the disposition of the dead human body or its
16 removal from the State has obtained a permit from the clerk of
17 the municipality where death occurred or where the establishment
18 of a funeral director having custody of the dead human body is
19 located. The permit ~~shall-be~~ is sufficient authority for final
20 disposition in any place where dead human bodies are disposed of
21 in this State, provided that the requirements of Title 32,
22 section 1405, are met in appropriate cases. No such permit may be
23 issued to anyone other than a funeral director until the clerk of
24 the municipality receives a medical certificate ~~which that~~ has
25 been signed by a physician or a medical examiner ~~which that~~
26 indicates that the physician or medical examiner has personally
27 examined the body after death. A permit must also be issued if a
28 nurse practitioner has signed the medical certificate indicating
29 that the nurse practitioner has knowledge of the deceased's
30 recent medical condition or was in charge of the deceased's care
31 and that the nurse practitioner has personally examined the body
32 after death. The authorized person may transport a dead human
33 body only upon receipt of this permit.

34
35 **Sec. 7. 22 MRSA §2843, 3rd ¶**, as amended by PL 2001, c. 574,
36 §28, is further amended to read:

37 A municipal clerk may issue a disposition of human remains
38 permit to a funeral director who presents a report of death and
39 states that the funeral director has been unable to obtain a
40 medical certification of the cause of death. The funeral
41 director shall name the attending physician, attending nurse
42 practitioner or medical examiner who will certify to the cause of
43 death and present assurances that he or she has agreed to do so.
44 The funeral director shall exercise due diligence to secure the
45 medical certification and file the death certificate as soon as
46 possible.

47
48 **Sec. 8. 22 MRSA §2846**, as amended by PL 2003, c. 672, §21, is
49 further amended by adding at the end 2 new paragraphs to read:

