

MAINE STATE LEGISLATURE

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*Death certificate - certification by chiropractor
22 M.R.S.A. § 2842*

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December 28, 1978

To: Marian Perkins, Supervisor, Office of Vital Records
From: Thomas E. Geyer, Assistant Attorney General
Subject: Death Certificates

FACTS:

A funeral director received a death certificate in which a chiropractor had certified the cause of death. The funeral director refused to accept the death certificate because he felt it was not valid.

QUESTION:

Is a death certificate valid when the cause of death thereon is certified by a chiropractor?

ANSWER:

No. A death certificate is not valid when the cause of death thereon is certified by a chiropractor.

REASONS:

The statute which requires that a death certificate be filed with the clerk of the municipality in which death occurs is 22 M.R.S.A. §2842. The certificate must be filed by the funeral director or other authorized person in charge of the disposition of the body. In order for the death certificate to be completed, and therefore valid, certain information must be provided on the form. This information must include the cause of death as medically certified by a physician or medical examiner. Subsection (2) specifically indicates that: "The medical certification of the cause of death shall be completed...by the physician in charge of the patient's care for the illness or condition which resulted in death..."

That the legislature intended the word "physician" as it

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appears in section 2842 to include only medical doctors licensed pursuant to 32 M.R.S.A. §3263 et seq. and doctors of osteopathy licensed pursuant to 32 M.R.S.A. §2561 et seq., and not chiropractic doctors licensed pursuant to 32 M.R.S.A. §451 et seq., is apparent from the language of the "penalty" provision of section 2842 which reads as follows:

Any physician who fails to complete the medical certification of the cause of death fully, and in a timely manner, or who fails to examine the body of a nursing home resident prior to certifying cause of death as required by this section shall be reported to the Board of Registration in Medicine [medical doctors] or the Board of Osteopathic Examination and Registration [doctors of osteopathy], whichever is appropriate, by the State Registrar of Vital Statistics of the Department of Human Services.

For the foregoing reason, a death certificate is not valid if the cause of death is certified by a chiropractor. The funeral director or other authorized person in charge of the disposition of the body need not, and should not, accept such a certificate as meeting all legal requirements.

TEG:mm