

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1416

S. P. 408

In Senate, April 6, 1977

Referred to the Committee on Health and Institutional Services. Sent down for concurrence and 2,000 ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Pierce of Kennebec.

Cosponsors: Senators Snowe of Androscoggin, Lovell of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Clarify Physician Certification of Patient Deaths in Maine
Nursing Homes.**

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

22 MRSA § 2842, sub-§ 2 is amended by adding at the end the following sentences:

If the patient was a resident of a nursing home licensed under section 1817 at the time of death and if the physician in charge of the patient's care had not examined the patient within 48 hours prior to death, the physician in charge shall examine the body prior to completing the certification of death process. 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 or the Board of Osteopathic Examination and Registration, whichever is appropriate, by the State Registrar of Vital Statistics of the Department of Human Services.

STATEMENT OF FACT

This bill stipulates that a physician in charge of a patient's care must examine the body of a deceased nursing home resident before certifying the cause of death, except in instances where the resident had been examined by

the physician within 48 hours prior to death. The bill further stipulates that a physician who fails to comply with the provisions of the bill shall be reported to the Board of Registration in Medicine or the Board of Osteopathic Examination and Registration, whichever is appropriate.

A recent study conducted by the District Attorney of Kennebec and Somerset Counties entitled "Report on Procedures Following Deaths in Nursing homes in Kennebec - Somerset Counties" documented laxity on the part of physicians in the certification of death of nursing home patients and stated that current law surrounding certification of death is **unclear**.