

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 346

H.P. 263 House of Representatives, February 11, 1987
Reference to the Committee on Human Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative HEPBURN of Skowhegan.
Cosponsored by Representatives PINES of Limestone, HUSSEY
of Milo and Senator BERUBE of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Amend the Law Regarding the Medical
2 Certificate Filed After Death.
3

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

6 22 MRSA §2842, sub-§2, as amended by PL 1977, c.
7 382, is further amended to read:

8 2. Medical certificate by physician. The medical
9 certification of the cause of death shall be com-
10 pleted and signed within 24 hours after death by the
11 physician in charge of the patient's care for the
12 illness or condition which resulted in death, except
13 when an inquiry as to the cause of death is required
14 by law. If the patient was a resident of a nursing
15 home licensed under section 1817 at the time of death
16 and if the physician in charge of the patient's care

1 or the medical director had not examined the patient
2 within 48 hours prior to death, or within 2 weeks
3 prior to death in the case of a terminally ill pa-
4 tient, the physician in charge or another physician
5 designated by the physician in charge shall examine
6 the body prior to completing the certification of
7 death process. Any physician who fails to complete
8 the medical certification of the cause of death ful-
9 ly, and in a timely manner, or who fails to examine
10 the body of a nursing home resident prior to certify-
11 ing cause of death as required by this section shall
12 be reported to the Board of Registration in Medicine
13 or the Board of Osteopathic Examination and Registra-
14 tion, whichever is appropriate, by the State Regis-
15 trar of Vital Statistics of the Department of Human
16 Services.

17 STATEMENT OF FACT

18 The death of a terminally ill nursing home pa-
19 tient is not an unexpected event. The requirement of
20 a physician examining the body in such a case, unless
21 the physician has examined the patient within 24
22 hours prior to death, frequently holds up the filing
23 of the death certificate. This bill eliminates the
24 requirement in the case of a terminally ill patient
25 so long as the physician has examined the patient
26 within the past 2 weeks.

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