

MAINE STATE LEGISLATURE

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R.O.S.

JUDICIARY

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 127, L.D. 351, Bill, "An Act To Promote Clarity Regarding Death Certificates"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law requires that a death certificate be completed in typewritten or handwritten block style; and

Whereas, death certificates have been rejected for filing because they were completed by hand without meeting the strict requirements of "block style"; and

Whereas, death certificates should be accepted for filing if they are completed in a hand-printed style that is legible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 22 MRSA §2842, sub-§2, as amended by PL 2001, c. 574, §26, is further amended to read:

COMMITTEE AMENDMENT

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2 **2. Medical certificate by physician.** The medical
 4 certification of the cause of death must be completed in
 6 typewritten or ~~handwritten-bleek~~ legibly hand-printed style and
 8 signed in a timely fashion by a physician authorized to practice
 10 in the State who has knowledge of the patient's recent medical
 12 condition, in accordance with department regulations and other
 14 laws detailing who can certify and in what time frame, except
 16 when the death falls under the jurisdiction of the medical
 18 examiner as provided in section 3025. If the patient was a
 20 resident of a nursing home licensed under section 1817 at the
 22 time of death and if the physician in charge of the patient's
 24 care or another physician designated by the physician in charge
 26 had not examined the patient within 48 hours prior to death, or
 within 2 weeks prior to death in the case of a terminally ill
 patient, the physician in charge or another physician designated
 by 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, in typewritten or ~~handwritten-bleek~~ legibly hand-printed
 style 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 must be reported to the Board of
 Licensure in Medicine or the Board of Osteopathic Licensure,
 whichever is appropriate, by the State Registrar of Vital
 Statistics of the Department of Human Services.

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

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

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

40 **Sec. 2. 22 MRSA §2842, sub-§3,** as amended by PL 2001, c. 574,
 42 §27, is further amended to read:

44 **3. Medical certificate by medical examiner.** When a death
 46 occurs under circumstances that make it a medical examiner case
 as defined in section 3025, or when inquiry as to the cause of
 death is required by law, the medical examiner shall complete in
 48 typewritten or ~~handwritten-bleek~~ legibly hand-printed style the
 medical certification of the cause of death and sign the death

2 certificate. A certification need not be completed before the
remains are ready for release.

R.O.S.

4 The medical examiner is responsible for the identity of the
deceased and the time, date, place, cause, manner and
6 circumstances of death on the death certificate. Entries may be
left "pending" if further study is needed; or, at the specific
8 direction of the Attorney General relative to cases under
investigation by the Attorney General's office, entries must be
10 left "withheld" until such time as the Attorney General, in the
Attorney General's sole discretion, determines that any criminal
12 investigation and prosecution will not be harmed by public
disclosure of such information. Notwithstanding section 2706,
14 subsection 4, unless directed otherwise by the Attorney General
as specified in this subsection, this information for which the
16 medical examiner is responsible may be made available to the
general public by the Office of Chief Medical Examiner.

18 **Sec. 3. 22 MRSA §2845**, as amended by PL 2001, c. 574, §30, is
20 further amended to read:

22 **§2845. Certificate of death typewritten or hand printed**

24 Any death certificate required to be filed by this chapter
must be typewritten or ~~handwritten--in-block-type~~ legibly hand
26 printed prior to such filing.

28 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.'

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SUMMARY

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This amendment replaces the bill.

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This amendment revises current law to allow a death
certificate to be completed using legible hand printing, without
38 requiring the hand printing to be in block style.

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The emergency preamble is changed to reflect these changes.