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No. 478

H.P. 317

House of Representatives, February 24, 2015

**An Act To Require That Death Certificates Be Signed Using an
Electronic Signature System**

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

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative STANLEY of Medway.

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

2 **Sec. 1. 22 MRSA §2841, sub-§2**, as amended by PL 1989, c. 274, §3, is further
3 amended to read:

4 **2. Medical certificate by physician.** The medical certification ~~shall~~ must be
5 completed and signed using an electronic signature within 5 days after delivery by the
6 physician in attendance at or after the delivery, except when an inquiry as to the cause of
7 fetal death is required by law. For the purposes of this subsection, "electronic signature"
8 has the same meaning as in Title 10, section 9402, subsection 8.

9 **Sec. 2. 22 MRSA §2842, sub-§§2 and 2-A**, as amended by PL 2009, c. 601,
10 §25, are further amended to read:

11 **2. Medical certificate by physician, nurse practitioner or physician assistant.**
12 The medical certification of the cause of death must be completed and signed using an
13 electronic signature in a timely manner, as specified by department rule, by a physician,
14 nurse practitioner or physician assistant authorized to practice in the State who has
15 knowledge of the patient's recent medical condition, in accordance with department rules
16 and other laws detailing who can certify and in what time frame, except when the death
17 falls under the jurisdiction of the medical examiner as provided in section 3025. If the
18 patient was a resident of a nursing home licensed under section 1817 at the time of death
19 and if the health care provider in charge of the patient's care or another health care
20 provider designated by the health care provider in charge had not examined the patient
21 within 48 hours prior to death, or within 2 weeks prior to death in the case of a terminally
22 ill patient, the health care provider in charge or another health care provider designated
23 by the health care provider in charge shall examine the body prior to completing the
24 certification of death process. Any health care provider who fails to complete the
25 medical certification of the cause of death fully, in a timely manner, or who fails to
26 examine the body of a nursing home resident prior to certifying cause of death as required
27 by this section must be reported to the Board of Licensure in Medicine, the Board of
28 Osteopathic Licensure or the State Board of Nursing, whichever is appropriate, by the
29 State Registrar of Vital Statistics of the Department of Health and Human Services.

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

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

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

38 C. "Health care provider" means a physician authorized to practice in this State,
39 nurse practitioner or physician assistant.

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

4 E. "Physician assistant" means a person who has graduated from a physician
5 assistant or surgeon assistant program accredited by the American Medical
6 Association Committee on Allied Health Education and Accreditation or the
7 Commission on Accreditation of Allied Health Education Programs or its successor
8 and who has passed the certifying examination administered by the National
9 Commission on Certification of Physician Assistants or its successor.

10 F. "Electronic signature" has the same meaning as in Title 10, section 9402,
11 subsection 8.

12 **2-A. Medical certification.** Notwithstanding subsection 2, with respect to a person
13 who dies within the State naturally and for whom the physician, nurse practitioner or
14 physician assistant was the attending health care provider, the medical certification of the
15 cause of death may be completed and signed using an electronic signature by a physician,
16 nurse practitioner or physician assistant authorized to practice at the United States
17 Department of Veterans Affairs at Togus or at another federal medical facility within the
18 State or by a physician, an advanced practice registered nurse or physician assistant
19 licensed to practice in New Hampshire, Vermont or Massachusetts who, at the request of
20 the Chief Medical Examiner, is willing to do so. For the purposes of this subsection,
21 "electronic signature" has the same meaning as in Title 10, section 9402, subsection 8.

22 **Sec. 3. 22 MRSA §2842, sub-§3,** as amended by PL 2013, c. 31, §1, is further
23 amended to read:

24 **3. Medical certificate by medical examiner or the Office of the Chief Medical**
25 **Examiner.** When a death occurs under circumstances that make it a medical examiner
26 case as defined in section 3025, or when inquiry as to the cause of death is required by
27 law, the medical examiner or the Office of the Chief Medical Examiner shall complete
28 the medical certification of the cause of death as specified by department rule and sign
29 the death certificate using an electronic signature. A certification need not be completed
30 before the remains are ready for release. For the purposes of this subsection, "electronic
31 signature" has the same meaning as in Title 10, section 9402, subsection 8.

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

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SUMMARY

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This bill requires death certificates to be signed using an electronic signature.

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"Electronic signature" has the same meaning as in the Uniform Electronic Transactions

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Act, an electronic sound, symbol or process attached to or logically associated with a

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record and executed or adopted by a person with the intent to sign the record.