# **10 DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**146 OFFICE OF DATA, RESEARCH AND VITAL STATISTICS**

**Chapter 5: MEDICAL CERTIFICATION OF CAUSE OF DEATH**

1. Definitions

A. Attending Physician. “Attending physician” means the physician in charge of the decedent’s care during the period preceding his or her death.

B. Authorized Person. “Authorized person” means a person other than a funeral director who demonstrates authorization for final disposition of a dead body as required by M.R.S.A., Title 22, Sec. 2846.

C. Burial-Transit Permit. “Burial-transit permit” means a permit for transportation, temporary storage, disinterment, or final disposition of a dead body by burial, cremation, burial at sea, use by medical science, or removal from the State, as specified by M.R.S.A., Title 22, Sec. 2843.

D. Dead body. “Dead body” means a human body or parts of a human body, other than a fetus, from the condition of which it reasonably can be concluded that death occurred.

E. Death Certificate. “Death certificate” means certificate of death as furnished by the state registrar for the purpose of registering deaths which occur in Maine, including the medical certification of the cause of death and personal data pertaining to the decedent.

F. Department. “Department” means the State of Maine Department of Human Services.

G. Fetus. “Fetus” means a product of conception dead prior to the complete expulsion or extraction from its mother; the fetus shows no signs of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

H. Funeral Director. “Funeral director” means a person licensed for the practice of funeral service in Maine, or his agent.

I. Final Disposition. “Final disposition” means the burial, cremation, burial at sea, use by medical science, removal from the state, or other authorized disposition of a dead body or fetus.

J. Institution. “Institution” means any establishment, public or private, which provides in-patient medical, surgical, or diagnostic care or treatment, custodial or domiciliary care, or to which persons are committed by law.

K. Life-Sustaining Procedure. “Life-sustaining procedure” means, as specified in M.R.S.A. Title 22, Sec. 2842, any medical procedure or intervention that, when administered to a qualified patient, will serve only to prolong the dying process and shall not include nutrition and hydration.

L. Medical Certification. “Medical certification” means the information on the cause(s) of death and the time, date, manner and circumstances of death.

M. Municipal Clerk. “Municipal clerk” means the duly elected or appointed clerk of the city, town, or plantation where death occurred, where the death certificate is required to be filed by M.R.S.A., Title 22, Sec. 2703, or where an establishment of the funeral director having custody of the dead body is located.

N. Medical Examiner’s Release. “Medical examiner’s release” means a certificate from a duly appointed medical examiner that he has made personal inquiry into the cause and manner of death and is satisfied that no further examination or judicial inquiry is necessary, as specified by M.R.S.A. Title 32, Sec. 1405.

O. Report of Death. “Report of death” means a statement from a funeral director, as specified by M.R.S.A. Title 22, Sec. 2843, 2, that he has been unable to obtain a medical certification of the cause of death. The report of death must name the attending physician and include assurances that the physician has been contacted and will certify the death as due to natural causes. When a medical examiner is required to determine the cause of death, the report of death must name the medical examiner and include assurances that the medical examiner has been contacted and has indicated that the body can be released for embalming and final disposition.

P. Registration. “Registration” means filing of a certificate with the municipal clerk as required by law. Registration is complete when the municipal clerk enters the date of filing, signs the certificate, and forwards a copy to the State Registrar.

Q. Terminally Ill Patient. “Terminally ill patient” means a patient who has been diagnosed as having an incurable or irreversible condition that, without the administration of life-sustaining procedures, will, in the opinion of the attending physician, result in death within a short time, as specified by M.R.S.A., Title 22, Sec. 2848.

2. Certificate Required

A. A completed death certificate which indicates that the physician or medical examiner has personally examined the body after death is required, in addition to the other permits specified in law and regulation, for any transport, storage, or final disposition of a dead body by anyone other than a funeral director.

B. A completed death certificate is not required prior to transport, storage, burial, or removal from the State by a funeral director, providing that a report of death and the other permits specified in law and regulation have been obtained.

C. A completed death certificate is required, in addition to the other permits specified in law and regulation, before a body can be cremated, buried at sea, or submitted to a facility for use by medical science.

D. A completed death certificate is required, in addition to the other permits specified in law and regulation, before a body can be removed from the State by anyone other than a funeral director.

3. Responsibility of a Funeral Director

A. Before embalming or making other alterations to the body, the funeral director must personally contact the certifying physician and ascertain that he/she can and will certify the death and that the cause of death is not such as to bring the case under the jurisdiction of the medical examiner system. A report of death is evidence of such contact and ascertainment.

B. In medical examiner cases, funeral directors may proceed with embalming or other alterations to the body, including burial, only after they have personally ascertained from the medical examiner or Office of the Chief Medical Examiner that the body is no longer needed for further study or that such procedure will not interfere with further study.

1. A death certificate completed by the medical examiner is evidence that the body is not further needed, unless specific instructions have been conveyed to the contrary.

2. A report of death completed by the funeral director after personal contact with the medical examiner is evidence of such contact and ascertainment.

4. Certifying Physician

A. The certifying physician, except in a medical examiner case, must be licensed or authorized to practice in the State of Maine.

B. The certifying physician must have attended the deceased before death, although not necessarily for the illness or condition which resulted in death, except when the death falls under the jurisdiction of the medical examiner as specified in M.R.S.A., Title 22, Sec. 3025.

C. In the absence of said physician or with his or her approval, the death certificate may be completed and signed by a physician associated with the attending physician in practice or covering for him/her during his/her absence, by a physician designated for this purpose by the attending physician, or by the chief medical officer of the institution in which death occurred or was pronounced, providing such individual has access to the recent medical history of the case and death is due to natural causes. If other than the attending physician certifies, he/she must note that fact upon the death certificate.

D. The cause of death certified need not be a condition for which the patient was specifically treated by the attending physician, so long as it is reasonable and consistent with the general state of health of the patient and circumstances surrounding death.

E. The certifying physician shall examine the body prior to completing the medical certification if the decedent was a resident of a nursing home licensed under section 1817 at the time death unless:

1. The attending physician or another physician designated by him/her had examined the patient within 48 hours prior to death, or

2. The attending physician or another physician designated by him/her had examined the patient within two weeks prior to death in the case of a terminally ill patient.

F. The certifying physician shall notify the funeral director or other authorized person in charge of the disposition of a dead human body in cases when the body has been diagnosed as having a communicable disease, as defined by the rules and regulations of the Department, whether or not this disease is certified as the cause(s) of death. Such notification shall occur at the time the dead body is released into the custody of the funeral director or other authorized person, by attaching, in a clearly visible location, a notice which states the following:

This body contains an infectious agent.

Observe required precautions.

5. Registration of Deaths

A. The funeral director or authorized person shall ensure that a completed death certificate is registered, by filing with the clerk of the municipality where death occurred, within five days after the day on which death occurred unless there are unusual extenuating circumstances.

B. Certificates originating with the funeral director or other authorized person: The certifying physician must complete the certificate and present or mail it to the funeral director or other authorized person within 24 hours after receipt.

C. Certificates originating with the physician: The physician may originate the certificate. Such certificates must be completed, signed, and presented or mailed to the funeral director or other authorized person within 48 hours after death.

D. Certified copies of a death certificate may be made only from records for which the registration process is complete.

6. Incomplete Certification

A. If the certifying physician cannot adequately determine the cause of death until laboratory or autopsy studies, or referral to records not immediately available, have been made, and if such information is not available within the time prescribed for filing of the certificate, the death shall be reported to the Office of the Chief Medical Examiner. Deaths due to natural causes may be referred back to the attending physician by the Chief Medical Examiner for medical certification as provided in M.R.S.A., Title 22, Sec. 3025, sub-Sec. 4.

B. Not withstanding subsection A above, if the certifying physician is certain that the cause, whatever it might be, is not one requiring the intervention of the medical examiner, the death need not be reported to the Office of the Chief Medical Examiner.

C. When the cause of death is not immediately known, the certifying physician shall enter “Pending” adding “laboratory studies”, “autopsy” or “research of records” as appropriate, sign the certificate, and present it to the funeral director for filing within the time prescribed in section 5. The certificate shall not be held incomplete while pending matters are finalized unless there are unusual extenuating circumstances.

D. Such “pending” certificates shall be finalized by means of a supplemental cause of death report furnished by the state registrar. This form will be sent to the certifying physician whenever the cause of death has been left “pending” and no supplement filed in a reasonable time.

1. The supplement shall be completed and signed by the certifier upon receipt and returned as directed or an explanation given as to why the matter is still not resolved.

2. Certificates completed under this subsection shall not be regarded as amended.

E. Any certificate which has been completed and filed, but for which further studies show the cause to be inaccurate, may be amended by means of the supplemental cause of death report furnished by the state registrar. Certificates corrected under this subsection shall be regarded as amended.

F. All supplemental cause of death forms shall be permanently attached to and made a part of the death certificate.

STATUTORY AUTHORITY: 22 MRSA §2701, 2842, 3025

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