

HOUSE No. 3725

The Commonwealth of Massachusetts

PRESENTED BY:

James Arciero

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to online death attestations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>1/18/2019</i>
<i>Mr. James Dolan</i>	<i>Dolan Funeral Home, 106 Middlesex Street, Chelmsford, MA 01863</i>	<i>1/18/2019</i>

HOUSE No. 3725

By Mr. Arciero of Westford, a petition (accompanied by bill, House, No. 3725) of James Arciero and James Dolan relative to online death attestations. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to online death attestations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 46 of the General Laws is hereby amended by striking out section 9, as appearing
2 in the 2016 Official Edition, and inserting in place thereof the following section:-

3 Section 9. A physician, after the death of a person whom the physician has attended
4 during such person's last illness, or the physician declaring such person dead, or the medical
5 examiner, as provided for in section 6 of chapter 38, or, if the death occurred in a hospital, a
6 hospital medical officer duly appointed by the administrator, shall within 24 hours of the time of
7 death electronically file a certificate of death attestation, or in the case of a medical examiner, a
8 medical examiner's certificate of death attestation, to a funeral director or other authorized person
9 or a member of the family of the deceased, in a manner approved by the commissioner of public
10 health, stating to the best of his or her knowledge and belief the name of the deceased, the
11 disease of which the deceased died, defined as required by section 1, where the same was
12 contracted, the duration of the illness from which the deceased died, and the date of death.

13 The physician, officer or medical examiner shall electronically include on every
14 certificate furnished by him or her under this section the cause, or causes, of death and, directly
15 below the electronic signature, the name of the physician or nurse practitioner and the date the
16 certificate was signed. The foregoing provisions shall apply in the same manner in the event of a
17 child dying immediately after birth. Both the birth and death of such child shall be recorded.

18 When a patient suffering from a terminal illness or whose death is anticipated and who is
19 receiving the services of a home health agency, as that term is defined in 42 USC section
20 1395x(o), or of a hospice program licensed by the commonwealth, or who resides in a certified
21 nursing home, dies, at home, in a hospice, or a nursing home, a registered professional nurse,
22 licensed by the board of registration in nursing and employed by a certified home health agency,
23 hospice or nursing home, may declare such person dead; provided, however, that said nurse first
24 makes a reasonable effort to contact the attending physician or medical examiner before making
25 such determination or pronouncement; provided, further, that such determination or
26 pronouncement be made electronically in a manner approved by the commissioner of public
27 health and subscribed under pain and penalties of perjury; and provided, further, that said
28 physician or medical examiner be notified forthwith of the exact location to which the decedent
29 has been removed.

30 A registered physician assistant, after the death of a person who was a patient under the
31 care of such physician assistant, may declare such person dead; provided, however, that said
32 physician assistant first makes a reasonable effort to contact the attending physician or medical
33 examiner before making such determination or pronouncement; provided, further, that such
34 determination or pronouncement be made electronically in a manner approved by the
35 commissioner of public health and subscribed under pains and penalties of perjury; and, provided

36 further, that the medical examiner be notified forthwith of the exact location to which the
37 decedent has been removed. A physician assistant may take all action required under this section
38 to furnish a standard certificate of death for registration.

39 A nurse practitioner, after the death of a person who was a patient under the care of such
40 nurse practitioner, may declare the person dead. Before making a pronouncement of death, a
41 nurse practitioner shall make a reasonable effort to contact the attending physician or medical
42 examiner. A pronouncement of death under this paragraph shall be made electronically in a
43 manner approved by the commissioner of public health and subscribed under the pains and
44 penalties of perjury. A physician or the medical examiner shall be notified forthwith of the exact
45 location to which the decedent has been removed.