

HOUSE BILL 1400

J1

9lr3259
CF SB 1012

By: **Delegate Cardin**

Introduced and read first time: February 27, 2019

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Death Certificates – Completion and Cause of Death Report**

3 FOR the purpose of authorizing a physician designated by the State Anatomy Board to
4 complete a death certificate under certain circumstances; requiring a certain
5 physician to enter certain information in a certain section of a death certificate;
6 requiring the State Anatomy Board, under certain circumstances, to send to the
7 Secretary of Health a report of the cause of death for entry on a certain death
8 certificate; and generally relating to death certificates.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 4–212
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2018 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 4–212.

18 (a) This section does not apply to a fetal death.

19 (b) (1) A certificate of death regardless of age of decedent shall be filled out
20 and signed by:

21 (i) The medical examiner, if the medical examiner takes charge of
22 the body; or

23 (ii) If the medical examiner does not take charge of the body, the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 physician, physician assistant, or nurse practitioner who last attended the deceased.

2 (2) The medical examiner, physician, physician assistant, or nurse
3 practitioner shall fill in only the following information on the certificate of death:

4 (i) The name of the deceased;

5 (ii) The cause of death and medical certification;

6 (iii) The date and hour of death; and

7 (iv) The place where death occurred.

8 (3) Any other information that is required on the certificate of death
9 regardless of age of decedent shall be filled in:

10 (i) By the person who has charge of the body; or

11 (ii) If the State Anatomy Board has charge of the body, by the person
12 who last had charge of the body before it was sent to the State Anatomy Board.

13 (4) The medical certification shall be completed within 24 hours after
14 receipt of the death certificate by the physician, physician assistant, or nurse practitioner
15 in charge of the patient's care for the illness or condition which resulted in death, except
16 when inquiry is required by the medical examiner.

17 (5) In the absence or inability of the attending physician, physician
18 assistant, or nurse practitioner or with the attending physician's, physician assistant's, or
19 nurse practitioner's approval, the certificate may be completed by:

20 (i) The attending physician's associate;

21 (ii) The chief medical officer or designee of the institution in which
22 death occurred; [or]

23 (iii) The physician who performed an autopsy upon the decedent,
24 provided the individual has access to the medical history of the case and death is due to
25 natural causes; **OR**

26 **(IV) A PHYSICIAN DESIGNATED BY THE STATE ANATOMY**
27 **BOARD, ONLY IF WITHIN 72 HOURS AFTER THE STATE ANATOMY BOARD TAKES**
28 **CHARGE OF THE BODY, THE STATE ANATOMY BOARD HAS FAILED AFTER A GOOD**
29 **FAITH EFFORT TO MAKE CONTACT WITH ANY OF THE INDIVIDUALS DESCRIBED IN**
30 **ITEMS (I), (II), OR (III) OF THIS PARAGRAPH OR PARAGRAPH (4) OF THIS**
31 **SUBSECTION.**

1 (6) The person completing the cause of death and medical certification
2 shall attest to the accuracy by signature or by an approved electronic process.

3 (7) The funeral director or person acting as the funeral director shall in all
4 cases obtain the medical certification from the person responsible for its completion or
5 obtain assurance that the medical certification has been provided to the Secretary by an
6 approved electronic process.

7 (c) Each individual concerned with carrying out this subtitle promptly shall
8 notify the medical examiner if:

9 (1) The deceased was not under treatment by a physician, physician
10 assistant, or nurse practitioner during the terminal illness;

11 (2) The cause of death is unknown; or

12 (3) The individual considers any of the following conditions to be the cause
13 of death or to have contributed to the death:

14 (i) An accident, including a fall with a fracture or other injury;

15 (ii) Homicide;

16 (iii) Suicide;

17 (iv) Other external manner of death;

18 (v) Alcoholism; or

19 (vi) Criminal or suspected criminal abortion.

20 (d) (1) **(I)** If, within 24 hours after taking charge of a body, the medical
21 examiner has not determined the cause of death, the medical examiner shall enter
22 “investigation pending” in the cause of death section of the death certificate.

23 **[(2)] (II)** As soon as the medical examiner determines the cause of death,
24 the medical examiner shall send to the Secretary a report of the cause of death, for entry
25 on the certificate.

26 **(2) (I) A PHYSICIAN WHO COMPLETES A DEATH CERTIFICATE**
27 **UNDER SUBSECTION (B)(5)(IV) OF THIS SECTION SHALL ENTER “UNSPECIFIED**
28 **NATURAL CAUSES” IN THE CAUSE OF DEATH SECTION OF THE DEATH CERTIFICATE.**

29 **(II) THE STATE ANATOMY BOARD SHALL SEND TO THE**
30 **SECRETARY A REPORT OF THE CAUSE OF DEATH FOR ENTRY ON A DEATH**
31 **CERTIFICATE COMPLETED UNDER SUBSECTION (B)(5)(IV) OF THIS SECTION IF THE**

1 **STATE ANATOMY BOARD RECEIVES INFORMATION ABOUT THE CAUSE OF DEATH**
2 **FROM AN INDIVIDUAL DESCRIBED IN SUBSECTION (B)(4) OR (5)(I), (II), OR (III) OF**
3 **THIS SECTION.**

4 (e) (1) A physician, physician assistant, or nurse practitioner who fills out a
5 certificate of death shall give it or transmit it by approved electronic media, including
6 facsimile, to the mortician within 24 hours after the death occurred.

7 (2) A medical examiner who fills out a certificate of death shall give it or
8 transmit it by approved electronic media, including facsimile, to the mortician within 24
9 hours after the medical examiner took charge of the body.

10 (f) (1) If a death occurs on a common carrier in the United States and the body
11 is removed from the carrier in this State, the death shall be registered in this State, and
12 the place where it is first removed shall be considered the place of death. When a death
13 occurs on a common carrier while in international waters or air space or in a foreign country
14 or its air space and the body is first removed from the carrier in this State, the death shall
15 be registered in this State, but the certificate shall show the actual place of death insofar
16 as can be determined.

17 (2) The individual in charge or the owner of the common carrier or a
18 designee shall file a certificate of death within 24 hours after the body is removed from the
19 carrier.

20 (3) If the death occurred under any of the conditions or circumstances set
21 forth in subsection (c) of this section, the medical examiner shall be notified.

22 (g) A mortician who obtains a certificate of death under this section shall file the
23 certificate within 72 hours after the death.

24 (h) (1) Except as authorized under this subtitle, an individual who has a duty
25 to fill out and sign a certificate of death may not execute more than one certificate for a
26 death.

27 (2) The attending physician, the physician assistant, the nurse
28 practitioner, or a medical examiner who takes charge of a body may file a replacement
29 death certificate if a correction that the physician, the physician assistant, the nurse
30 practitioner, or medical examiner authorizes cannot be entered legibly on the original
31 certificate.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2019.