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FACT BOOK

PRONOUNCEMENT OF DEATH
FORM R-302

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INTRODUCTION

The pronunciation of death process in Massachusetts is a tool to allow registered nurses and physician assistants under certain conditions and circumstances limited by statute to pronounce death. The proper use and completion of the Pronouncement of Death (R-302) authorizes a funeral director to remove a decedent from a place of death; however, the funeral director is not required to make the removal with the pronouncement only. A funeral director may require the completion of the Standard Certificate of Death (R-301) by a physician prior to making the removal. The proper completion of the Pronouncement of Death (R-302) does not supplant the regular death registration process.

The use of the process to pronounce a death may be separated from the removal of the body by the funeral director. In a number of cases, this separation is the preferred model. For example, a registered nurse may pronounce a death in a nursing home, if all the proper conditions to do so are met; however, the decedent is being moved to another location in the facility with that pronouncement and the removal by the funeral director may not occur until the completed Standard Certificate of Death (R-301) is available. This should be a common practice when the funeral director is making the removal to a location more than 30 or 40 miles from the nursing home.

The registered nurse or physician assistant making the pronouncement has a mandated role in ensuring the smooth flow of the entire death registration process. When the completed Pronouncement of Death (R-302) has been used by the funeral director to make a removal, it is the responsibility of the pronouncer to inform the physician or medical examiner who will be completing the Standard Certificate of Death (R-301) the name of the funeral director making the removal, the location to which the body is being moved and the information on the Pronouncement of Death (R-302) that the physician or medical examiner will need to complete the Standard Certificate of Death (R-301) including: the date, time and place of death; and whether or not a referral to the medical examiner has been made.

If upon contacting the physician or medical examiner and determining that another physician or medical examiner will be completing the Standard Certificate of Death (R-301), the pronouncer has a responsibility to inform the funeral director of this change. The role of the pronouncer does not end with the signing of the Pronouncement of Death (R-302). The role only ends when a physician or medical examiner who is clearly going to complete the Standard Certificate of Death (R-301) has been given the necessary information and the funeral director notified of any change from that provided on the Pronouncement of Death (R-302).

Item by item instructions for all of the individuals involved in the pronunciation process are contained in this fact book including the registered nurses, physician assistants, funeral directors, physicians or medical examiners, burial agents issuing burial permits and city and town clerks.
All of the following conditions must be met for the *Pronouncement of Death (R-302)* process to be used:

⇒ For a Registered Nurse the following specific requirements must be met:

- **Employed by** one of the following three types of licensed or certified providers:
  - Nursing home
  - Hospice licensed by the Commonwealth
  - Home health agency as defined in 42 USC 1395x(o);

- Decedent suffered from a terminal illness and was expected to die;

- Death occurred in the patient's home, hospice or nursing home in Massachusetts;

- Decedent was receiving services of the agency employing the registered nurse.

⇒ For a Physician Assistant the following specific requirement must be met:

- Decedent was a patient under the care of the physician assistant.

⇒ For both registered nurses and physician assistants, the requirements include:

- Licensed to practice in Massachusetts;

- Death occurred in Massachusetts;

- A reasonable attempt was made to contact and have the attending physician pronounce the death and complete the death certificate¹;

- Referral to the Office of the Chief Medical Examiner (OCME) has occurred for any of the circumstances included in M.G.L. c. 38, §3;

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¹ If the attending physician is contacted but unable to make the pronouncement and complete the death certificate at this time, this circumstance would still allow the physician assistant or registered nurse to complete the pronouncement.
The registered nurse or physician assistant is physically present to make the pronouncement at the place of death and is able to complete the Pronouncement of Death (R-302) prior to the removal of the remains by the funeral director or other person designated by the family.

All of the above requirements are specifically delineated in the Massachusetts statutes. Copies of applicable laws are contained in this package. The registered nurse or physician assistant completing the Pronouncement of Death (R-302) is doing so under the pains and penalties of perjury. This restriction refers not only to the information provided on the Pronouncement of Death (R-302) but also to the fact that all requirements for completing the process delineated above have been met.

**IS DATA REQUIRED FOR ALL ITEMS ON THE PRONOUNCEMENT OF DEATH (R-302)?**

All items must be completed on the form prior to removal by the funeral director.

**COMPLETING THE FORM**

<table>
<thead>
<tr>
<th>Item</th>
<th>Registered Nurses</th>
<th>Physician Assistants</th>
<th>Physicians</th>
<th>Medical Examiners</th>
<th>Funeral Directors</th>
<th>Burial Agents</th>
<th>City and Town Clerks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Instructions**

- **Registered Nurses**, **Physician Assistants**
  - Print or type legally the first, middle and last name of the decedent to the best of your knowledge.

- **Physicians**, **Medical Examiners**
  - The Pronouncement of Death (R-302) may not contain the legal name of the decedent. When completing the back of the death certificate, use the name of decedent in your records.

- **Funeral Directors**
  - The funeral director remains responsible for completion of the personal information about the decedent. The Pronouncement of Death (R-302) and/or the back of the Standard Certificate of Death (R-301) may not contain complete legal name of the decedent. The name on the front of the Standard Certificate of Death (R-301) must reflect the complete legal name of the decedent as provided by the informant.

- **Burial Agents**, **City and Town Clerks**
  - Differences in the decedent's name on the reverse of the Standard Certificate of Death (R-301) or on the Pronouncement of Death (R-302) from that given in Item 1 on the Standard Certificate of Death (R-301) may exist. As long as it is clearly the same individual, the information given in Item 1 on the Standard Certificate of Death (R-301) is considered the correct name.
| 2 | **Registered Nurses**  
   **Physician Assistants**  
   **Medical Examiners**  
   **Funeral Directors**  
   **Burial Agents**  
   **City and Town Clerks** | **Sex**  
   The designation for sex on the reverse of the Standard Certificate of Death (R-301) must match that on the Pronouncement of Death (R-302).  
   The designated sex in item 2 on the Standard Certificate of Death (R-301) must be the same as on the back of the certificate and in item 2 on the Pronouncement of Death (R-302). The front of the death certificate may contain an abbreviation and a full designation may appear on the reverse or on the Pronouncement of Death (R-302).  
   Any discrepancy in the designation for sex between the front and back of the death certificate or pronouncement form will require the preparation of a new Standard Certificate of Death (R-301). |

| 3a-d | **Registered Nurses**  
   **Physician Assistants**  
   **Physicians**  
   **Medical Examiners**  
   **Funeral Directors**  
   **Burial Agents**  
   **City and Town Clerks** | **Place of Death**  
   If the death occurred in a nursing home, hospice or hospital, give the complete name of the facility. For all other cases, indicate a complete number and street of the location at which the death is pronounced.  
   If the death occurred enroute to a hospital (DOA) indicate that and include complete name of the facility.  
   Information on the back of the Standard Certificate of Death (R-301) must mirror that given by the pronouncer on the Pronouncement of Death (R-302). The only modification allowed would be the use of a city or town name where a village indication occurred on the Pronouncement of Death (R-302).  
   Information on items 4a-c on the Standard Certificate of Death (R-301) must match both the back of the Standard Certificate of Death (R-301) and the Pronouncement of Death (R-302).  
   All information given for items 4a-c on the Standard Certificate of Death (R-301) must agree exactly with that given by the certifying physician or medical examiner on the back of the certificate and items 3a-d on the Pronouncement of Death (R-302). If there is a discrepancy, a new certificate will be necessary. |
4  Registered Nurses  
Physician Assistants ➞  The date of death is determined by the date that the pronunciation is made. In all deaths not pronounced by a medical examiner, the death does not occur until it has been pronounced.

**Date of Death**

Physicians  
Medical Examiners ➞  The date of death in item 4 on the Pronouncement of Death (R-302) must agree with that on the back of the Standard Certificate of Death (R-301).

Funeral Directors ➞  The date of death in item 4 on the Pronouncement of Death (R-302) must agree with that on the back of the Standard Certificate of Death (R-301) and item 3 on the front of the Standard Certificate of Death (R-301). If they do not agree, a new certificate of Standard Certificate of Death (R-301) is required. Also, this information is transferred to item 40b on the Standard Certificate of Death (R-301).

Burial Agents  
City and Town Clerks ➞  The date of death on the Pronouncement of Death (R-302) and the front and back of the Standard Certificate of Death (R-301) must agree.

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5  Registered Nurses  
Physician Assistants ➞  As with the date of death, the time of death is the time pronounced. Only in the case of a death certification completed by a medical examiner may the time of death and time pronounced be different. Therefore, the time of death cannot be given until the pronouncer is physically present to make the pronouncement.

**Time of Death**

Physicians  
Medical Examiners ➞  The time of death completed on the back of the Standard Certificate of Death (R-301) must exactly match that in item 5 in the Pronouncement of Death (R-302). If these items do not match, a new Standard Certificate of Death (R-301) will be required.

Funeral Directors ➞  The time of death in all three locations (back and front of Standard Certificate of Death (R-301) and Pronouncement of Death (R-302)) must agree. The information in this item is also transferred to item 40c on the Standard Certificate of Death (R-301).

Burial Agents  
City and Town Clerks ➞  If the times do not match, a new Standard Certificate of Death (R-301) will be required. The pronouncer is the individual legally responsible for establishing time and date of death.
<table>
<thead>
<tr>
<th>Case Referred to Medical Examiner</th>
<th>Registered Nurses Physician Assistants→</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Prior to pronouncing death, it is important that the facts of the death be reviewed to determine if referral to the OCME is required prior to making the pronouncement. Nineteen different categories of deaths require referral (See M.G.L. c. 38, §3). Failure to make a referral could result in a report to the licensing board and/or a fine up to $500.</td>
</tr>
<tr>
<td></td>
<td>Physicians→ If a death requiring referral to the OCME has not been referred by the pronouncer, the physician is required to make this referral. Failure to do so could result in the imposition of similar penalties. Also, if the pronouncer has made the referral, item 33 on the Standard Certificate of Death (R-301) must be completed as &quot;YES&quot;.</td>
</tr>
<tr>
<td></td>
<td>Medical Examiners→ If the OCME accepts jurisdiction and allows the pronouncement to be made, the fact of a pronouncement using a Pronouncement of Death (R-302) must be so indicated on the death certificate.</td>
</tr>
<tr>
<td></td>
<td>Funeral Directors→ M.G.L. c. 38, §3 also makes funeral directors mandatory reporters of cases to the OCME. If a pronouncement is made without a referral in a case covered under this statute, the funeral director is required to make this referral prior to removal. Funeral directors may be subject to the same penalties as pronouncers and physicians completing certification.</td>
</tr>
<tr>
<td></td>
<td>Burial Agents→ If the facts indicated on a death certificate meet the criteria for referral to the OCME and such referral has not been made, the burial agent must make the referral prior to issuance of the permit. If a Pronouncement of Death (R-302) indicates that a referral was made and the information on the Standard Certificate of Death (R-301) does not, a new death certificate is required.</td>
</tr>
<tr>
<td>6</td>
<td>City and Town Clerks →</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>7</td>
<td>Registered Nurses, Physician Assistants →</td>
</tr>
<tr>
<td></td>
<td>Physicians, Medical Examiners →</td>
</tr>
<tr>
<td></td>
<td>Funeral Directors →</td>
</tr>
<tr>
<td></td>
<td>Burial Agents →</td>
</tr>
<tr>
<td>8</td>
<td>Registered Nurses, Physician Assistants →</td>
</tr>
<tr>
<td></td>
<td>Physicians, Medical Examiners →</td>
</tr>
<tr>
<td>8 continued</td>
<td>Funeral Directors→</td>
</tr>
<tr>
<td>Burial Agents</td>
<td>City and Town Clerks→</td>
</tr>
</tbody>
</table>

| 9a-c | Name and Address of Funeral Director Removing Decedent | Registered Nurses Physician Assistants→ | Fully complete with the information of the funeral director or other individual making the removal to facilitate coordination with the physician or medical examiner responsible for completing death certification. |
| Physicians Medical Examiners→ | The funeral director or other individual listed in this item is the individual to whom the complete Standard Certificate of Death (R-301) will be given. |
| Funeral Directors→ | Check that this information is properly completed prior to making removal since the pronouncer will be providing this information to the physician completing the Standard Certificate of Death (R-301). |
| Burial Agents City and Town Clerks→ | Check for completeness. |

<p>| 10a-c | Name, Title and License Number | Registered Nurses Physician Assistants→ | Print or type legibly the full name of the physician assistant or registered nurse making the pronouncement, check the box for the appropriate title and print the Massachusetts license number. |
| Physicians Medical Examiners→ | Not applicable. |
| Funeral Directors→ | Check that this information is properly completed prior to making removal since the pronouncer will be providing this information to the physician completing the Standard Certificate of Death (R-301). Transfer this information to item 40d on the Standard Certificate of Death (R-301). |</p>
<table>
<thead>
<tr>
<th>10a-c continued</th>
<th>Burial Agents City and Town Clerks</th>
<th>Check for completeness and that the information provided agrees with the information in item 40d on the Standard Certificate of Death (R-301).</th>
</tr>
</thead>
<tbody>
<tr>
<td>11a-b Name and Address of Employing Agency/Institution</td>
<td>Registered Nurses Physician Assistants</td>
<td>Fully complete with the name and address of the agency or institution employing the registered nurse or physician assistant.</td>
</tr>
<tr>
<td></td>
<td>Physicians Medical Examiners</td>
<td>Not applicable</td>
</tr>
<tr>
<td></td>
<td>Funeral Directors</td>
<td>Check that this information is properly completed prior to making removal and that in the case of a registered nurse making a pronouncement the listed agency is one eligible to make a pronouncement. If the pronouncement is made by a registered nurse in a nursing home, the employing institution must be the place of death. If these criteria are not met, a removal cannot be made with a pronouncement.</td>
</tr>
<tr>
<td></td>
<td>Burial Agents City and Town Clerks</td>
<td>Check for completeness and see instructions for funeral directors above.</td>
</tr>
<tr>
<td>12</td>
<td>Registered Nurses Physician Assistants</td>
<td>Sign this form in permanent black ink only after you are confident all criteria previously specified have been met, including attempting to contact the attending physician for this specific case, any necessary referral to the OCME, etc.</td>
</tr>
<tr>
<td></td>
<td>Signature</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Physicians Medical Examiners</td>
<td>Not Applicable</td>
</tr>
<tr>
<td></td>
<td>Funeral Directors</td>
<td>Only after there is a signed, properly completed, Pronouncement of Death (R-302) may the removal be made. Place an “x” in the margin of the Standard Certificate of Death (R-301) in the box next to the words “R-302 on file”.</td>
</tr>
<tr>
<td></td>
<td>Burial Agents City and Town Clerks</td>
<td>Check for completeness. Items 40a-d on the Standard Certificate of Death (R-301) are only completed when a properly filed Pronouncement of Death (R-302) is on file. If the funeral director has not checked the box in the margin indicating that a “R-302” is on file, complete this item prior to registration.</td>
</tr>
</tbody>
</table>
### AFTER THE Pronouncement of Death (R-302) IS COMPLETED:

<table>
<thead>
<tr>
<th>Role</th>
<th>Instructions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered Nurses, Physician Assistants</td>
<td>Notify the attending physician or medical examiner completing the Standard Certificate of Death (R-301) of the specific location to which the decedent is being removed, and the place, date and time of death, and whether or not a referral has been made to the OCME.</td>
</tr>
<tr>
<td>Physicians</td>
<td>Complete the Standard Certificate of Death (R-301) as quickly as possible using the place, date and time of death from the pronouncer. Further, if a referral to the OCME has been made, respond “yes” to item 33 on the Standard Certificate of Death (R-301). If a referral has not been made and the facts of the case require such referral, make the referral prior to completing the Standard Certificate of Death (R-301).</td>
</tr>
<tr>
<td>Medical Examiners</td>
<td>If jurisdiction has been accepted, use the place of death from the Pronouncement of Death (R-302) unless subsequent investigation indicates different information. The time and date of death on Pronouncement of Death (R-302) should be used in items 37d-e on the Standard Certificate of Death (R-301).</td>
</tr>
<tr>
<td>Funeral Directors</td>
<td>Obtain the Standard Certificate of Death (R-301) from the physician or medical examiner, file the Standard Certificate of Death (R-301) and the Pronouncement of Death (R-302) with the burial agent in the community where the death occurred.</td>
</tr>
<tr>
<td>Burial Agents</td>
<td>Check for the Standard Certificate of Death (R-301) and Pronouncement of Death (R-302) for completeness prior to issuing the burial permit. Forward immediately the signed Standard Certificate of Death (R-301) and Pronouncement of Death (R-302) to the city or town clerk.</td>
</tr>
<tr>
<td>City and Town Clerks</td>
<td>If both forms are properly completed, register the Standard Certificate of Death (R-301) immediately. File the Standard Certificate of Death (R-301) with the Pronouncement of Death (R-302). Do not send certified copies of the Pronouncement of Death (R-302) to resident communities or the State Registry. Certified copies of this form may be issued to anyone eligible to obtain a copy of the Standard Certificate of Death (R-301). The charge for each copy should be the same as that of the Standard Certificate of Death (R-301).</td>
</tr>
</tbody>
</table>
SPECIAL NOTES

• Guidelines for Using the Pronouncement of Death Process

♦ In addition to the legal requirements listed previously including cases requiring referral to the OCME, it is important to understand that the use of the registered nurse/physician assistant pronouncement process is also a second choice to having the physician making the pronouncement and completing death certification in one step. Problems in obtaining a completed Standard Certificate of Death (R-301) may result in added burdens both financial and personal for the family if delays occur in their plans because of the difficulties in obtaining a completed death certificate.

♦ In any case where the attending physician is able to make the pronouncement and complete the Standard Certificate of Death (R-301) in a reasonable amount of time, this is the preferred method.

♦ If the decedent is being removed by a funeral director whose place of business is some distance from the place of death, having the physician complete the process in one step would save much time and effort.

♦ In cases where a physician assistant makes a pronouncement in a hospital setting, the funeral director may hesitate to make the removal on the basis of the pronouncement, wishing to obtain the death certificate in one step since in virtually all cases there will be a physician in the facility able to make the pronouncement.

♦ It is important to reiterate that in no case is the funeral director mandated to make a removal with a Pronouncement of Death (R-302). The funeral director is authorized, but not mandated, to make the removal. There is a substantial difference between the two. In fact, a removal made with a signed Standard Certificate of Death (R-301) is only second choice to removal made with a burial permit (M.G.L. c. 114, §45).

• Technical Assistance, Problems, Questions

♦ For general questions about death registration including the pronouncement of death process, call 617/753-8604.

♦ Questions and problems may also be directed to any of the Registry staff listed below:

<table>
<thead>
<tr>
<th>Name</th>
<th>Telephone</th>
<th>E-Mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phyllis Zeuli</td>
<td>753-8614</td>
<td><a href="mailto:phyllis.zeuli@state.ma.us">phyllis.zeuli@state.ma.us</a></td>
</tr>
<tr>
<td>Phyllis Rotman</td>
<td>753-8629</td>
<td><a href="mailto:phyllis.rotman@state.ma.us">phyllis.rotman@state.ma.us</a></td>
</tr>
<tr>
<td>Debra Dinkins</td>
<td>753-8645</td>
<td><a href="mailto:debra.dinkins@state.ma.us">debra.dinkins@state.ma.us</a></td>
</tr>
<tr>
<td>June Deloney</td>
<td>753-8665</td>
<td><a href="mailto:june.deloney@state.ma.us">june.deloney@state.ma.us</a></td>
</tr>
<tr>
<td>Maureen McKeans</td>
<td>753-8638</td>
<td><a href="mailto:maureen.mckean@state.ma.us">maureen.mckean@state.ma.us</a></td>
</tr>
</tbody>
</table>

NEW MAIN NUMBER: 617-740-2600
NEW ADDRESS: 150 Mount Vernon Street, First Floor, Dorchester, MA 02125
• Duplicating Forms

♦ The Pronouncement of Death (R-302) and Standard Certificate of Death (R-301) are printed on special archival paper and are cut to an exact size. Do not duplicate either of these forms. Forms must be ordered from the State Registry. See instructions on ordering below.

• Ordering Forms Or Fact Books

♦ Forms may be ordered by telephone, mail, fax or E-mail. Please keep orders to a reasonable expectation of use over a four month period. Feel free to duplicate this Fact Book. We are limited in the number of copies available for distribution.

MAILING ADDRESS: Operations Unit
Registry Of Vital Records And Statistics
470 Atlantic Ave, 2nd Floor
Boston Ma 02210-2224

TELEPHONE: 617/753-8636

FAX: ATTN: OPERATIONS UNIT
617/753-8696

E-MAIL: pedro.fidalgo@state.ma.us
STATUTES RELATED TO:

Pronouncement of Death

The main sections relating to the pronouncement of death process are included in this package. This listing, however, may not be all inclusive.

M.G.L. c. 38, §3
Duty to report deaths; failure to report

It shall be the duty of any person having knowledge of a death which occurs under the circumstances enumerated in this paragraph immediately to notify the office of the chief medical examiner, or the medical examiner designated to the location where the death has occurred, of the known facts concerning the time, place, manner, circumstances and cause of such death:

1. death where criminal violence appears to have taken place, regardless of the time interval between the incident and death, and regardless of whether such violence appears to have been the immediate cause of death, or a contributory factor thereto;

2. death by accident or unintentional injury, regardless of time interval between the incident and death, and regardless of whether such injury appears to have been the immediate cause of death, or a contributory factor thereto;

3. suicide, regardless of the time interval between the incident and death;

4. death under suspicious or unusual circumstances;

5. death following an unlawful abortion;

6. death relating to occupational illness or injury;

7. death in custody, in any jail or correctional facility, or in any mental health or mental retardation institution:

8. death where suspicion of abuse of a child, family or household member, elder person or disabled person exists;

9. death due to poison or acute or chronic use of drugs or alcohol;

10. skeletal remains;

11. death associated with diagnostic or therapeutic procedures;

12. sudden death when the decedent was in apparent good health;

13. death within twenty-four hours of admission to a hospital or nursing home;
14. death in any public or private conveyance;

15. fetal death as defined in section two hundred and two of chapter one hundred and eleven, where the period of gestation has been twenty weeks or more, or where fetal weight is three hundred and fifty grams or more;

16. death of children under the age of two years from any cause; \*SEE NOTE BELOW\*

17. any person found dead;

18. death in any emergency treatment facility, medical walk-in center, day care center, or under foster care; or

19. deaths occurring under such other circumstances as the chief medical examiner shall prescribe in regulations promulgated pursuant to the provisions of chapter thirty A.

A physician, police officer, hospital administrator, licensed nurse, or licensed funeral director, within the commonwealth, who, having knowledge of such an unreported death, fails to notify the office of the chief medical examiner of such death shall be punished by a fine of not more than five hundred dollars. Such failure shall also be reported to the appropriate board of registration, where applicable.

*M.G.L. c. 38, §4*

*Investigation; transportation of bodies*

Upon notification of a death in the circumstances enumerated in section three, the chief medical examiner or his designee shall carefully inquire into the cause and circumstances of the death. If, as a result of such injury, the chief medical examiner or such designee is of the opinion that the death was due to violence or other unnatural means or to natural causes that require further investigation, he shall take jurisdiction. The body of the deceased shall not be moved, and the scene where the body is located shall not be disturbed, until either the medical examiner or the district attorney or his representative either arrives at the scene or gives directions as to what shall be done at the scene. In such cases of unnatural or suspicious death where the district attorney's office is to be notified, the medical examiner shall not disturb the body or the scene without permission from the district attorney or his representative.

The medical examiner shall be responsible for making arrangements for transport of the body. The district attorney or his law enforcement representative shall direct and control the investigation of the death and shall coordinate the investigation with the office of the chief medical examiner and the police department within whose jurisdiction the death occurred. Either the medical examiner or the district attorney in the jurisdiction where death occurred may order an autopsy. Cases requiring autopsy shall be subject to the jurisdiction of the office for such purpose. As part of his investigation, the chief medical examiner or his designee may, in his discretion, notwithstanding any other provision of law, cause the body to be tested by the department of public health for the presence of any virus, disease, infection, or syndrome which might pose a public risk.

If the medical examiner is unable to respond and take charge of the body of the deceased in an expeditious manner, the chief of police of the city or town wherein the body lies, or his representative, may, after conferring with the appropriate district attorney, move the body to another location until a medical examiner is able to respond. Before moving the body the police shall document all facts relevant to the appearance, condition and position

NOTE: According to the MA Registry of Vital Records and Statistics and the Office of the Chief Medical Examiner, this exclusion should read “under the age of 18 years from any cause.”
of the body and every fact and circumstance tending to show the cause and circumstances of death.

In carrying out the duties prescribed by this section, the chief medical examiner or his designee shall be entitled to review and receive copies of medical records, hospital records, or information which he deems relevant to establishing the cause and manner of death. No person or hospital shall be subject to liability of any nature for providing such records or information in good faith at the request of the office.

M.G.L. c. 38, §13
Release of body; pronouncement of death

After investigation or examination by the office, the body shall be released to the person with the proper legal authority to receive it, including the surviving spouse, the next of kin, or any friend of the deceased, who shall have priority in the order named. If the body is unidentified or unclaimed after the investigation is completed, the medical examiner shall release it to the department of public welfare, which shall bury it in accordance with section eighteen of chapter one hundred and seventeen. Prior to the release of such unidentified or unclaimed body to the department of public welfare, the chief medical examiner or his designee shall certify to the city or town clerk in the municipality where the death occurred the facts of the death as required by section nine of chapter forty-six. If further identifying information is developed, the chief medical examiner or his designee shall furnish a completed certificate of death, as required by said section nine, to the city or town clerk.

In cases where jurisdiction is declined by the office, medical examiners, shall have no responsibility for the pronouncement or certification of death. Immediately after pronouncement of death, a physician licensed in the commonwealth who attended the decedent during the decedent's last illness, or his covering physician, or the licensed physician who has declared such person dead, or, if the death occurred in a hospital, a hospital medical officer duly authorized by the administrator, shall, in the order named, furnish for registration a standard certificate of death as required by said section nine. The chief medical examiner or his designee may allow any body to be moved without pronouncement if excessive hardship to the family of the decedent would otherwise result. The office may promulgate regulations further defining the circumstances in which a body may be moved without pronouncement of death. Any physician described herein who refuses to pronounce and certify death in accordance with said section nine of chapter forty-six when jurisdiction has been declined by the office shall be subject to a fine of not more than five hundred dollars. Such refusal shall also be reported to the board of registration in medicine. The chief medical examiner or his designee may waive the requirements of this paragraph and assume jurisdiction for the purpose of certifying the facts of the death as required by said section nine in cases where excessive hardship would otherwise result due to travel or in other emergency situations as may be defined by regulations promulgated by the office.

M.G.L. c. 46, §9
Death certificates; issuance; contents.

A physician, after the death of a person whom he has attended during such person's last illness, or the physician declaring such person dead, or the medical examiner, as provided for in section six of chapter thirty-eight, or, if the death occurred in a hospital, a hospital medical officer duly appointed by the administrator, shall immediately, furnish for
registration a standard certificate of death, or in the case of a medical examiner, a medical examiner's certificate of death, to an undertaker or other authorized person or a member of the family of the deceased, stating to the best of his knowledge and belief the name of the deceased, the disease of which he died, defined as required by section one, where the same was contracted, the duration of the illness from which he died, and the date of death.

Said physician, officer, or medical examiner shall print or type on every certificate furnished by him under this section the cause, or causes, of death and, directly below his signature, his name and the date the certificate was signed. The foregoing provisions shall apply in the same manner in the event of a child dying immediately after birth. Both the birth and death of such child shall be recorded.

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

A registered physician assistant, after the death of a person who was a patient under the care of such physician assistant, may declare such person dead; provided, however, that said physician assistant first makes reasonable effort to contact said physician or medical examiner before making such determination or pronouncement; provided, further, that such determination or pronouncement be made in writing on a form approved by the commissioner of public health and subscribed under pains and penalties of perjury; and provided further, that the medical examiner be notified forthwith of the exact location to which the decedent has been removed.

**M.G.L. c.114, §45**

*Burial permits; permits for removal of bodies; certificates of death; deceased veterans*

Except as provided in sections forty-four and forty-six, no undertaker or other person shall bury or otherwise dispose of a human in a town, or remove therefrom a human body which has not been buried, until he has received a permit from the board of health or its agent appointed to issue such permits, or if there is no such board, from the clerk of the town where the person died; and no undertaker or other person shall exhume a human body and remove it from a town, from one cemetery to another, or from one grave or tomb other than the receiving tomb to another in the same cemetery, until he has received a permit from the board of health or its agent aforesaid or from the clerk of the town where the body is buried. No such permit shall be issued until there shall have been delivered to such board, agent or clerk, as the case may be, a satisfactory written statement containing the facts required by law to be returned and recorded, which shall be accompanied, in case of an original interment, by a satisfactory certificate of the attending physician, if any, as required by law, or in lieu thereof a certificate as hereinafter provided. If there is no
attending physician, or if, for sufficient reasons, his certificate cannot be obtained early enough for the purpose, or is insufficient, a physician who is a member of the board of health, or employed by it or by the selectmen for the purpose, shall upon application make the certificate required of the attending physician. If death is caused by violence, the medical examiner shall make such certificate. If such permit for removal of a human body, not previously interred, from one town to another within the commonwealth cannot be obtained early enough for the purpose, the certificate of death made as above provided or the determination or pronouncement of death made by a licensed registered nurse or registered physician assistant according to section nine of chapter forty-six and in the possession of the undertaker desiring to make such removal shall constitute a permit for such removal; provided, that such body shall be returned to the town from which it was removed within thirty-six hours after such removal, unless a permit in the usual form for the removal of such body has been sooner obtained hereunder. If the death certificate contains a recital, as required by section ten of chapter forty-six, that the deceased was a veteran, such recital shall appears upon the permit. The board of health or its agent, upon receipt of such statement and certificate, shall forthwith countersign it and transmit it to the clerk of the town for registration. The person to whom the permit is so given and the physician certifying the cause of death shall thereafter furnish for registration any other necessary information which can be obtained as to the deceased, or as to the manner or cause of the death, which the clerk or registrar may require.
# PRONOUNCEMENT OF DEATH

## FORM R-302

### FRONT

The Commonwealth of Massachusetts Department of Public Health Registry of Vital Records and Statistics

Pronouncement of Death

<table>
<thead>
<tr>
<th>DECEDENT NAME</th>
<th>First</th>
<th>Middle</th>
<th>Last</th>
<th>SEX</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2.</td>
</tr>
</tbody>
</table>

PLACE OF DEATH—STREET AND NUMBER (If nursing home or other institution, give name)

<table>
<thead>
<tr>
<th>CITY OR TOWN</th>
<th>ZIP CODE</th>
<th>COUNTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>3a.</td>
<td>3b.</td>
<td>3c.</td>
</tr>
</tbody>
</table>

DATE OF DEATH (Month/Day/Year)

4.

TIME OF DEATH

5.

REFERRED TO MED EXAM (Yes or No)

6.

NAME AND ADDRESS OF ATTENDING PHYSICIAN/ME INFORMED OF DEATH

7.

NAME AND ADDRESS OF PHYSICIAN COMPLETING CERTIFICATE OF DEATH

8.

NAME OF FUNERAL SERVICE LICENSEE REMOVING DECEDED

NAME OF FACILITY TO WHERE DECEDED IS BEING REMOVED

9a. 9b.

FACILITY ADDRESS (Number and Street, City/Town, State and Zip Code)

9c.

NAME OF REGISTERED NURSE/PHYSICIAN ASSISTANT PRONOUNCING DEATH

10a. 10b. □ RN □ PA

LICENSE NUMBER

EMPLOYING AGENCY OR INSTITUTION

10c. 11a.

ADDRESS OF EMPLOYING AGENCY OR INSTITUTION (Number and Street, City/Town, State and Zip Code)

11b.

I, meeting all criteria specified in §9, Chapter 46, M.G.L., pronounce this death only after making a reasonable effort to contact the attending physician or medical examiner. Signed under the pains and penalties of perjury.

SIGNATURE OF PRONOUNCING REGISTERED NURSE/PHYSICIAN ASSISTANT

12.

USE PERMANENT BLACK INK ONLY

(Instructions on Reverse Side)
PRONUNCEMENT OF DEATH
FORM R-302

INSTRUCTIONS

1. Only a registered nurse or physician assistant licensed in Massachusetts may complete this form if all the requirements of M.G.L. c.46, §9 and c. 38, §3 and §4 have been met:
   - Death occurred in Massachusetts;
   - In a case where referral to the medical examiner is required, jurisdiction has not been accepted by the medical examiner;
   - The registered nurse or physician assistant has made a reasonable effort to have the attending physician make the pronouncement;
   - An RN making a pronouncement must be employed by a licensed hospice program, certified home health agency or licensed nursing home;
   - In the case of an RN making a pronouncement, the death must have occurred in a residence, hospice or nursing home.

2. Type or legibly print the form in permanent black ink. No erasures (including liquid paper), strikeouts, or crossovers are allowed. Numeric dates are not allowed; 4-digit year must be used—for example, Jan. 1, 1998 is correct, not 01/01/98. DO NOT USE 24-HOUR CLOCK. Time must include AM or PM.

3. Time of Death (Item #5) is the actual time that the death was pronounced by the Registered Nurse or Physician Assistant. It is not the time the registered nurse or physician assistant was contacted by the family or facility. Date of Death (Item #4) is the date the death was pronounced and not the date the physician assistant or registered nurse was contacted. The date issue may be problematic in cases where initial contact was at 11:00 PM and the pronouncement made at 2:00 AM of the next day.

4. The address given for place of death (Items 3a-3d) must be the location address. DO NOT USE MAILING ADDRESS. Items 11a-11b (name and address of employing agency or institution) may be a mailing address.

5. Item 6 (Case Referred to ME?) must be completed for all cases. M.G.L. c.38, §3 specifies the types of deaths requiring referral.

6. The license number must be that provided to the individual by the appropriate Massachusetts Board of Registration.

7. The signed form must be given to the funeral service licensee prior to removing the decedent.

8. After the death is pronounced, the attending physician or medical examiner is required to provide a completed Standard Certificate of Death (Form R-301) to the funeral director prior to receipt of a Disposition or Removal permit that is necessary for a burial, cremation or transportation of the remains to occur.

9. The funeral director upon applying for a burial permit under M.G.L. c.114, §45 MUST present both the completed Standard Certificate of Death form and the Pronouncement of Death form to the burial permit agent for permanent filing.
PRONOUNCEMENT OF DEATH

FACT SHEET

1. WHAT IS A PRONOUNCEMENT OF DEATH?

M.G.L. Ch. 46, § 9, as amended by Ch. 495, Acts of 1993, establishes a process for registered nurses in limited circumstances to make a pronouncement of death and completion of a pronouncement of death form.

2. WHO IS ELIGIBLE TO COMPLETE A PRONOUNCEMENT OF DEATH FORM?

Only RN's licensed by the Massachusetts Board of Registration in Nursing may complete the pronouncement of death form. The RN must also be employed by or in a Visiting Nurse Association, an approved hospice program or a licensed nursing home. All visiting nurse associations are included in this program. Other home health agencies are not included unless the agency maintains an approved hospice program.

3. FOR WHOM MAY A PRONOUNCEMENT OF DEATH FORM BE COMPLETED?

This form may only be completed when a death occurs in Massachusetts. If referral to the chief medical examiner or his designee is required, as determined by Ch. 38, § 3, the pronouncement may occur: however, the decedent may not be moved until the medical examiner has declined jurisdiction or, in cases where the medical examiner has concurrent jurisdiction, he has given specific instructions regarding the removal of the decedent. If the decedent had been receiving the services of a visiting nurse association or approved hospice program the decedent must have been suffering from a terminal illness with an anticipated death. The cases requiring referral to the chief medical examiner or his designee are attached.

4. MAY THE PRONOUNCEMENT OF DEATH FORM BE COMPLETED FOR ALL PATIENTS MEETING THE CRITERIA LISTED ABOVE?

NO! The registered nurse may only make such pronouncement or complete the form when the registered nurse is unable to contact the attending physician (or his or her covering physician) or medical examiner after making reasonable efforts. In the case of a death which occurs in a nursing home, the attempts should also be made to contact the medical director of the home if the attending physician is unavailable. Reasonable efforts should include at least one telephone call and waiting at least 30 minutes for a response if an answering service is reached.

5. IF A VISITING NURSE ASSOCIATION OR HOSPICE PROGRAM INCLUDES OUT OF STATE COMMUNITIES IN THEIR SERVICE AREA, IS IT POSSIBLE TO USE THE PRONOUNCEMENT OF DEATH FORM FOR PATIENTS NOT DYING IN MASSACHUSETTS?

NO! This process may only be used for deaths which occur within the Commonwealth of Massachusetts. Each state develops its own procedures for deaths which occur within their borders.

6. WHAT DOES ANTICIPATED DEATH MEAN?

An anticipated death includes only those deaths that occur within a definite span of time. For example, if a patient was expected to live for an additional month and dies at home in less than that time period, this would not be an anticipated death. Also, the death must occur from the terminal illness and should not have any contributing causes, such as a fall. In such cases, referral to the medical examiner as described in #3 above must be made; i.e., the pronouncement by a registered nurse may occur but the body cannot be moved until jurisdiction is declined or specific instructions are given by the medical examiner.

7. DOES THE PRONOUNCEMENT OF DEATH FORM ELIMINATE THE NEED FOR A DEATH CERTIFICATE?

NO! The attending physician or medical examiner must complete the Standard Certificate of Death after death is pronounced.

8. IS THE PRONOUNCEMENT OF DEATH FORM ALL THAT THE FUNERAL DIRECTOR NEEDS TO REMOVE THE DECEDENT FROM THE NURSING HOME, RESIDENCE OR HOSPICE?

YES! M.G.L. Ch. 114, § 45 allows the removal of a body with a signed certificate or pronouncement of death. However, in cases where referral to the medical examiner is required, the pronouncement may occur, but the funeral director cannot remove the decedent until the requirements of #3 above have been met.

9. ARE THERE ANY SITUATIONS THAT MEET ALL OF THE CRITERIA LISTED ABOVE WHEN IT WOULD NOT BE ADVISABLE TO USE THE PRONOUNCEMENT OF DEATH FORM?

YES! The pronouncement of death form is not sufficient for the funeral director to obtain a burial permit. A death certificate still must be completed after the death. Therefore, in cases where the funeral director must remove the decedent a significant distance from the place where the death occurred, it may be advisable to wait until the death certificate is completed before the funeral director is notified.
10. **IF ALL CRITERIA ARE MET, IS THE REGISTERED NURSE REQUIRED TO PRONOUNCE DEATH AND COMPLETE THE PRONUNCIATION OF DEATH FORM?**

**NO!** The law gives registered nurses the authority to pronounce death and complete the pronouncement of death form, but it does NOT require the registered nurse to do so. Nursing homes may still use physicians to pronounce death, if they prefer. It should be noted, however, that whenever the registered nurse pronounces death, the pronouncement of death form must be completed.

11. **IS THE FUNERAL DIRECTOR REQUIRED TO REMOVE THE DECEDED WITH THE PRONUNCIATION OF DEATH FORM?**

**NO!** A funeral director may make a professional judgment that a Standard Certificate of Death should be completed prior to removal. If the funeral director believes referral to the medical examiner is required by Ch. 38, § 3 and such referral has not been done, the funeral director has a legal obligation to perform such referral prior to removal.

12. **WHAT IS THE OVERALL PURPOSE OF THE PRONUNCIATION OF DEATH PROCESS?**

This process has the major objective of eliminating substantial delays waiting for the attending physician or medical examiner that may cause distress or hardship for families. A satisfactorily completed Standard Certificate of Death is still required for obtaining a burial permit prior to burial, cremation or other disposition. In all cases, where the medical examiner has not assumed jurisdiction, the completed death certificate and burial permit must be obtained within thirty-six hours of the death.

13. **ARE THERE ANY SPECIAL INSTRUCTIONS TO BE KEPT IN MIND WHEN COMPLETING THE FORM?**

- Only use Pronouncement of Death forms provided by the State Registry of Vital Records and Statistics, Massachusetts Department of Public Health.
- The form must be completed in permanent black ink.
- All items other than the signature must be legibly printed or typed.
- All dates must be written with the month alphabetically and not numerically. Abbreviations for the months may be used, however.

14. **AFTER COMPLETING THE FORM, WHAT IS THE RESPONSIBILITY OF THE REGISTERED NURSE?**

The registered nurse completing the form is required to inform the attending physician or medical examiner responsible for completing the death certificate of the exact location to which the decedent has been removed. The registered nurse is also responsible for providing an original, signed Pronouncement of Death form to the funeral director.

15. **WHAT DOES THE FUNERAL DIRECTOR DO WITH THE COMPLETED FORM?**

The funeral director submits the form with the Standard Certificate of Death to obtain a burial permit from the city or town where the death occurred. The Pronouncement of Death form will be permanently filed WITH the death certificate.

16. **WHAT DOES THE BURIAL PERMIT AGENT DO WITH THE COMPLETED FORM?**

The burial permit agent determines that items 40a-40d have been completed correctly on the Standard Certificate of Death, as well as the remainder of the Standard Certificate of death and forwards the pronouncement of death form with the Standard Certificate of Death to the city or town clerk for permanent filing.

17. **WHAT DOES THE CITY OR TOWN CLERK DO WITH THE COMPLETED FORM?**

The city or town clerk files the form permanently with the death certificate. The pronouncement form is NOT sent to the State Registry or residence community, nor is it issued routinely with certified copies of death records. Upon request, however, certified copies of the pronouncement form may be issued.

18. **WHERE MAY I OBTAIN FURTHER INFORMATION REGARDING COMPLETION OF THE FORM OR OTHER ISSUES RELATING TO NURSE PRONUNCIATION OF DEATH?**

Questions should be directed to Frances Vitagliano or Phyllis Rotman at 617/727-0036. Additional information and blank forms may be ordered from:

**STATE REGISTRY OF VITAL RECORDS AND STATISTICS**

150 TREMONT STREET, ROOM B-3

BOSTON, MA 02111

To order blank forms by telephone call:

**NEW MAIN NUMBER: 617-740-2600**

**NEW ADDRESS: 150 Mount Vernon Street, First Floor, Dorchester, MA 02125**