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PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE VII. CITIES, TOWNS AND DISTRICTS

CHAPTER 46. RETURN AND REGISTRY OF BIRTHS, MARRIAGES AND DEATHS

Chapter 46: Section 9. Death certificates; issuance; contents; declaration of death by nurse, nurse practitioner or physician's assistant

Section 9. 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 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 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.

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