

## §2842. Registration of deaths

Except as authorized by the department, a certificate of each death that occurs in this State must be filed with the State Registrar of Vital Statistics or clerk of the municipality where death occurred within a reasonable period of time, as specified by department rule, after the day on which death occurred and prior to the removal of the body from the State. [PL 2009, c. 601, §25 (AMD).]

**1. Certificate filed by funeral director.** The funeral director or other authorized person in charge of the disposition of the dead human body or its removal from the State is responsible for filing the certificate. The funeral director or authorized person shall obtain the personal data from the best qualified person or source available.

[PL 2009, c. 601, §25 (AMD).]

**1-A. Designation of gender.** A death certificate for an individual must reflect the desired gender identity of the individual who has died if the person signing the certificate is aware of that desire either through a valid living will, advance health care directive or other record, including a record prepared by someone other than the individual.

[PL 2023, c. 294, §3 (NEW).]

**2. Medical certificate by physician, nurse practitioner or physician assistant.** The medical certification of the cause of death must be completed and signed in a timely manner, as specified by department rule, by a physician, nurse practitioner or physician assistant authorized to practice in the State who has knowledge of the patient's recent medical condition, in accordance with department rules and other laws detailing who can certify and in what time frame, except when the death falls under the jurisdiction of the medical examiner as provided in section 3025. If the patient was a resident of a nursing home licensed under section 1817 at the time of death and if the health care provider in charge of the patient's care or another health care provider designated by the health care provider in charge had not examined the patient within 48 hours prior to death, or within 2 weeks prior to death in the case of a terminally ill patient, the health care provider in charge or another health care provider designated by the health care provider in charge shall examine the body prior to completing the certification of death process. Any health care provider who fails to complete the medical certification of the cause of death fully, in a timely manner, or who fails to examine the body of a nursing home resident prior to certifying cause of death as required by this section must be reported to the Board of Licensure in Medicine, the Board of Osteopathic Licensure or the State Board of Nursing, whichever is appropriate, by the State Registrar of Vital Statistics of the Department of Health and Human Services.

For the purposes of this subsection, the following terms have the following meanings.

A. "Life-sustaining procedure" means any medical procedure or intervention that, when administered to a qualified patient, will serve only to prolong the dying process and does not include nutrition and hydration. [PL 2001, c. 574, §26 (AMD).]

B. "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 health care provider, result in death within a short time. [PL 2005, c. 359, §1 (AMD).]

C. "Health care provider" means a physician authorized to practice in this State, nurse practitioner or physician assistant. [PL 2007, c. 56, §1 (AMD).]

D. "Nurse practitioner" means an advanced practice registered nurse who is a certified nurse practitioner authorized to practice without the supervision of a physician pursuant to Title 32, chapter 31. [PL 2005, c. 359, §1 (NEW).]

E. "Physician assistant" means a person who has graduated from a physician assistant or surgeon assistant program accredited by the American Medical Association Committee on Allied Health

Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs or its successor and who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants or its successor. [PL 2007, c. 56, §1 (NEW).]

[PL 2009, c. 601, §25 (AMD).]

**2-A. Medical certification.** Notwithstanding subsection 2, with respect to a person who dies within the State naturally and for whom the physician, nurse practitioner or physician assistant was the attending health care provider, the medical certification of the cause of death may be completed and signed by a physician, nurse practitioner or physician assistant authorized to practice at the United States Department of Veterans Affairs at Togus or at another federal medical facility within the State or by a physician, an advanced practice registered nurse or physician assistant licensed to practice in New Hampshire, Vermont or Massachusetts who, at the request of the Chief Medical Examiner, is willing to do so.

[PL 2009, c. 601, §25 (AMD).]

**3. Medical certificate by medical examiner or the Office of Chief Medical Examiner.** When a death occurs under circumstances that make it a medical examiner case as defined in section 3025, or when inquiry as to the cause of death is required by law, the medical examiner or the Office of Chief Medical Examiner shall complete the medical certification of the cause of death as specified by department rule and sign the death certificate. A certification need not be completed before the remains are ready for release.

The medical examiner or the Office of Chief Medical Examiner is responsible for the identity of the deceased and the time, date, place, cause, manner and circumstances of death on the death certificate. Entries may be left "pending" if further study is needed; or, at the specific direction of the Attorney General relative to cases under investigation by the Attorney General's office, entries must be left "withheld" until such time as the Attorney General, in the Attorney General's sole discretion, determines that any criminal investigation and prosecution will not be harmed by public disclosure of such information. Notwithstanding section 2706, subsection 4, unless directed otherwise by the Attorney General as specified in this subsection, this information for which the medical examiner is responsible may be made available to the general public by the Office of Chief Medical Examiner.

[PL 2017, c. 475, Pt. A, §30 (AMD).]

**4. Correction of errors on death statistic records filed under chapter 711.** Certificates of death in medical examiner cases, as defined in section 3025, may be completed or amended at any time by means described in rule by the department to the Office of Chief Medical Examiner. Either the Chief Medical Examiner or the medical examiner assigned to the case may sign the forms or submit an electronic amendment or file a certificate using the electronic death registration system in accordance with section 2847. A person authorized by the Chief Medical Examiner may amend a certificate of death with respect to the time, date, place and circumstances of death. The medical examiner assigned shall submit the form or electronic amendment to the Office of Chief Medical Examiner for filing with the State Registrar of Vital Statistics. These forms or electronic amendments may be filed at any time after death and need not include a summary description of the evidence in support of the completion or amendment.

[PL 2017, c. 475, Pt. A, §30 (AMD).]

**5. Correction of certificate of death.** A certificate of death filed in accordance with this section may be completed or amended at any time by means described in rules adopted by the department. The health care provider who certified the death in accordance with subsection 2-A may sign the forms, submit an electronic amendment or file a certificate using the electronic death registration system in accordance with section 2847. A health care provider may amend a certificate of death with respect to the time, date, place and circumstances of death as well as the gender of the individual who died. Forms or electronic amendments may be filed at any time after death.

[PL 2023, c. 294, §4 (AMD).]

#### SECTION HISTORY

PL 1977, c. 232, §2 (AMD). PL 1977, c. 382 (AMD). PL 1979, c. 538, §1 (AMD). PL 1985, c. 611, §§2,3 (AMD). PL 1987, c. 72 (AMD). PL 1987, c. 296, §§1,2 (AMD). PL 1987, c. 329, §1 (AMD). PL 1987, c. 769, §A75 (AMD). PL 1993, c. 600, §§B21,22 (AMD). PL 2001, c. 574, §§26,27 (AMD). PL 2003, c. 74, §§1,2 (AMD). PL 2003, c. 433, §2 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 359, §§1,2 (AMD). PL 2007, c. 56, §§1, 2 (AMD). PL 2009, c. 601, §25 (AMD). PL 2013, c. 31, §1 (AMD). PL 2017, c. 475, Pt. A, §30 (AMD). PL 2019, c. 340, §16 (AMD). PL 2023, c. 294, §§3, 4 (AMD).

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