

1972 S.C. Op. Atty. Gen. 133 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3315, 1972 WL 20455

Office of the Attorney General

State of South Carolina

Opinion No. 3315

May 22, 1972

**\*1** Under current regulations the only persons authorized to complete and sign a medical certification as to cause of death are:

(1) an 'attending physician' except when inquiry is required by the coroner (See § 17–91, Code of Laws of South Carolina (1962));

(2) an associate physician who relieves the attending physician while he is on vacation or otherwise temporarily unavailable, provided he has access to the medical history of the case, has viewed the deceased at or after death, and the death is from natural causes; and

(3) a coroner upon investigation and with such autopsy as he may deem necessary.

A physician on duty at a hospital emergency room who merely views and pronounces an individual dead upon arrival is not an 'attending physician' as contemplated by Section 9.1, Rules and Regulations Governing Vital Statistics promulgated by the South Carolina State Board of Health.

TO: Coroner  
Spartanburg County

You have requested an opinion from this office relating to the signing of death certificates. Specifically, you inquire as to the appropriate person to sign such certificate on an individual who has been brought into the Emergency Room of the Spartanburg General Hospital and there pronounced dead on arrival by the physician on duty. As stated by you, present policy exists whereby such physician signs the certificate and simply indicates 'cause of death unknown'.

Matters relating to the preparation and filing of death certificates are controlled by the Rules and Regulations Governing Vital Statistics promulgated by the South Carolina State Board of Health under authority of Section 32–1102, Code of Laws of South Carolina, 1962. These Rules and Regulations, prior to their amendment in March 1971, appeared in Volume 17 of the Code, pp. 298–305 and the 1970 Cumulative Supplement thereto.

The effect of the 1971 amendment was to strike in their entirety, Sections 1, 2, 3, 4, 5, 7, 8, 8A, 9, 10, 11, 12, 13, 14, 15, 16, 18, 18A, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30, and to substitute therefor new rules and regulations which on March 17, 1971, were filed in the Office of the Secretary of State. Section 9.1 of the new rules prescribes that the death certificate be filed with the county registrar of the county in which the death occurred within three days after such death by the funeral director or person acting as such who first assumes custody of the dead body. A medical certification as to cause of death is required. Paragraphs (c) and (d) of Section 9.1 specify by whom such medical certification shall be completed and signed, as follows:  
(c) The medical certification shall be completed and signed within twenty-four hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except as otherwise provided in these regulations, or when inquiry is required by the coroner.

**\*2** (d) When death occurred without medical attendance as set forth in paragraph (c) or when inquiry is required by the coroner, it shall be the coroner's duty to investigate the cause of death, and complete and sign the medical certification within twenty-four hours after taking charge of the case.

Additional provisions relating to the completion of death certificates (1) where an autopsy is necessary to determine the cause of death with attendant delay and (2) where the attending physician is not available are contained in Sections 9.3, 9.4, and 10.4 and are set forth below for your information.

#### Report of Autopsy Findings (Section 9.3)

When it is necessary to have autopsy findings to make a determination of the cause of death or fetal death and these findings will not be available within the prescribed time period for completion of the cause-of-death or fetal death certification, the attending physician or coroner may enter the cause of death or fetal death as 'Pending' and shall sign the certificate.

Immediately upon receipt of the medical data necessary to determine the cause of death or fetal death or in any case where the autopsy findings significantly change the cause as entered on the certificate, the attending physician or coroner shall submit a supplemental report to the State Registrar on a form furnished or approved by him.

The supplemental report shall be made a part of the existing death or fetal death certificate.

#### Attending Physician Not Available (Section 9.4)

An associate physician who relieves the attending physician while he is on vacation or otherwise temporarily unavailable may certify to the cause of death or fetal death in any cause where he has access to the medical history of the case, provided that he views the deceased at or after death and that the death or fetal death is from natural causes. In all other cases in which a physician is unavailable, the funeral director shall contact the coroner.

In any case where a death or fetal death has been referred to the coroner because a physician in attendance is deceased or physically incapacitated and there was no associate physician, the coroner shall prepare and file the medical certification of cause of death or fetal death.

#### Incomplete Certificate (Section 10.4)

If the attending physician or coroner is unable to complete the medical certification of cause of death or fetal death or if the funeral director is unable to obtain the personal information about the deceased within the prescribed time period, the funeral director shall file a death certificate form completed as far as possible. As soon as possible, but in all cases within thirty days, a supplemental report shall be filed with the county registrar providing the information missing from the original certificate.

Based upon the foregoing it is clear that the only persons authorized to complete and sign a medical certification as to cause of death are:

\*3 (1) an 'attending physician' except when inquiry is required by the coroner (See § 17-91, Code of Laws of South Carolina (1962).);

(2) an associate physician who relieves the attending physician while he is on vacation or otherwise temporarily unavailable, provided he has access to the medical history of the case; has viewed the deceased at or after death, and the death is from natural causes; and

(3) a coroner upon investigation and with such autopsy as he may deem necessary.

A physician on duty at a hospital emergency room who merely views and pronounces an individual dead upon arrival is not, in the opinion of this office, an attending physician as contemplated in Section 9.1 set forth above, and thus would not be authorized to complete and sign the medical certification necessary for the death certificate. In such cases, the coroner would be required to investigate the matter and complete and sign such certificate in the manner required.

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