

September 21, 2007

The Honorable Lloyd B. Ward
President, South Carolina Coroners' Association
Post Office Box 1092
Barnwell, South Carolina 29812-1092

Dear Coroner Ward:

In a letter to this office you questioned who can legally make a pronouncement of death.

Enclosed is a copy of a prior opinion of this office dated November 9, 1995 which refers to Department of Health and Environmental Control Regulation 61-19. That regulation states:

- (a) A death certificate for each death which occurs in this State shall be filed with the county registrar of the county in which the death occurred within five (5) days after such death, or as otherwise directed by the State Registrar, and shall be filed by such registrar if it has been completed and filed in accordance with this section
- (b) The funeral director or person acting as such who first assumes custody of a dead body shall file the death certificate. He or she shall obtain the personal data from the next of kin or the best qualified person or source available. He or she shall obtain the medical certification of cause of death as provided in these Regulations.
- (c) The medical certification shall be completed and returned to the funeral director within forty-eight (48) hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by medical examiner or coroner. In the absence of said physician or with his or her approval, the certificate may be completed and signed by his or her associate physician, the chief medical officer of the institution in which death occurred or by the pathologist who performed an autopsy upon the decedent.
- (d) When death occurs more than ten (10) days after the decedent was last treated by a physician, or if the cause of death appears to be other than the illness or condition for which the deceased was being treated or if inquiry is required by Title 17 of the Code of Laws of South Carolina, 1962, as amended, the case shall be referred to the medical examiner or coroner for investigation to determine and certify the cause of death. If the medical examiner or coroner determines that the case does not fall

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within his or her jurisdiction, he or she shall within twenty-four (24) hours refer the case back to the referring physician for completion of the medical certification.

(e) When inquiry is required by Title 17 of the Code of Laws of South Carolina, 1962, as amended, the medical examiner or coroner shall determine the cause of death and shall complete the medical certification within forty-eight (48) hours after taking charge of the case.

(f) If the cause of death cannot be determined within forty-eight (48) hours after death, the medical certification shall be entered as pending, and the physician, medical examiner or coroner shall submit a supplemental report to the State Registrar on a form furnished by or approved by him. The supplemental report shall be made a part of the death certificate.

The 1995 opinion states that

[a]s can be seen, the Regulations speak only of a physician, coroner or medical examiner certifying a death. While you reference the term to “pronounce a person dead”, this office has consistently viewed this as meaning the person who certifies death.

Reference was made to another opinion of this office dated June 25, 1974 which stated that only physicians, medical examiners and coroners are authorized to sign death certificates. The 1995 opinion concluded that “...it would appear that only a physician, coroner or medical examiner could certify the death of an individual.”

With kind regards, I am,

Very truly yours,

Henry McMaster
Attorney General

By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Assistant Deputy Attorney General