

4025-Sib

# The State of South Carolina



## Office of the Attorney General

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March 14, 1990

The Honorable Robert L. Edge, Jr.  
Coroner, Horry County  
Post Office Box 1492  
Conway, South Carolina 29526

Dear Coroner Edge:

In a letter to this Office you referenced a situation where a physician at a hospital where an individual died certified the individual's manner of death on a death certificate as "suicide". You indicated that he did so without obtaining any investigative report. After your investigation, you provided a supplemental report to the Department of Health and Environmental Control (DHEC) which changed the manner of death from "suicide" to "could not be determined." You questioned whether you had authority to make this change.

DHEC Regulation 61-19, Section 18 states as to the medical certification for a death certificate:

(c) The medical certification shall be completed, signed, 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.

...(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 [1976 Code, Title 17, as amended], the case shall be referred to the

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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 within his jurisdiction, he 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 [1976 Code, Title 17, as amended], the medical examiner or coroner shall determine the cause of death and shall complete and sign the medical certification within forty-eight (48) hours after taking charge of the case... . (emphasis added)

Therefore, based on such regulation, generally it is the responsibility of a coroner to determine the cause of death for a case which falls within his jurisdiction, or as expressed in the regulation "if inquiry is required by Title 17 of the Code." It would not be the physician's responsibility in such circumstances.

If there is anything further, please advise.

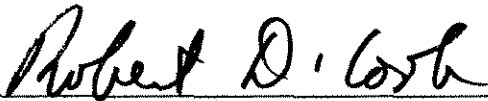
Sincerely,



Charles H. Richardson  
Assistant Attorney General

CHR/nnw

REVIEWED AND APPROVED BY:



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