



COMMONWEALTH of VIRGINIA

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Title: Completion of Death Certificates

Dear Clinician,

Many of you assist grieving families and assure that your patients' death certificates are completed in a timely manner. For that we thank you. However, there continue to be pockets of reluctance among some physicians to sign a death certificate which impacts families seeking the authority to proceed with the burial or cremation of a loved one.

Some of your patients will die at home and the family will need you to sign their loved one's death certificate as your last act of patient care. Of the 56,795 natural deaths occurring in Virginia during 2012, approximately 31% occurred at home. When a death occurs outside of a medical care facility (hospital, nursing home, etc.) local law enforcement often investigates the death to determine if there is evidence of an unnatural death (homicide, suicide, accident). Law enforcement may report these deaths to the medical examiner to allow them to confirm that the death is not a medical examiner case.

Most deaths that occur at home are not medical examiner cases. They are natural deaths from the typical chronic, progressive, or degenerative diseases such as hypertensive cardiovascular disease, atherosclerotic cardiovascular disease, diabetes, chronic obstructive pulmonary disease, or malignancy. For natural deaths, any health care provider who saw the patient or provided care (e.g., prescribed medication) for a patient's chronic illness or condition within the year prior to death is best informed to identify the "most probable" underlying cause of death and **sign the death certificate.**

The death certificate serves many extremely important purposes for the survivors of the deceased. This permanent legal record of vital information including demographics and the cause and manner of death is required for settling necessary affairs such as:

- Burial or cremation
- Accessing and/or closing bank accounts
- Probation of a will
- Estate settlement
- Obtaining proceeds from life insurance policies

Failure to provide a signed death certificate in the timely manner prescribed by law may subject you to a complaint against your professional license.

Sometimes misconceptions by health care providers make them reluctant to sign a death certificate. The following questions are the most frequent areas of confusion.

- **Who can sign a death certificate?**

The physician in charge of the patient's care for the illness or condition which resulted in death is primarily responsible. In the absence of such physician or with his approval, the certificate may be completed and signed by the following: (i) another physician employed or engaged by the same professional practice; (ii) a physician assistant supervised by such physician; (iii) a nurse practitioner practicing as part of a patient care team; (iv) the chief medical officer or medical director, or his designee, of the institution, hospice, or nursing home in which death occurred; (v) a physician specializing in the delivery of health care to hospitalized or emergency department patients who is employed by or engaged by the facility where the death occurred; (vi) the physician who performed an autopsy upon the decedent; or (vii) an individual to whom the physician has delegated authority to complete and sign the certificate, if such individual has access to the medical history of the case and death is due to natural causes.

- **What if I don't know the exact cause of death?**

Virginia law clearly states that if a death is natural, health care providers are to determine the most likely cause of death to the best of their ability. If they are uncertain about the cause of death, they should use their best medical judgment to certify a reasonable cause of death. While not mandatory, an autopsy may be performed, with authorization of the decedent's next of kin, by any hospital or private pathologist to document disease processes when the death is natural.

- **Can I be sued for incorrect certification of cause of death?**

According to Virginia law, a physician, nurse practitioner, or physician assistant who determines the cause of death and signs the death certificate, in the absence of gross negligence or willful misconduct, is immune from civil liability (§32.1-263).

- **Where can I get further assistance?**

- A link to a short presentation on how to complete a Virginia death certificate is posted on the Department of Health Professions website or at the following address: <http://tinyurl.com/vdhdeathcertificationcourse>.
- Local health district directors are your primary point of contact for questions about natural death certificate completion. Their contact information can be found at <http://www.vdh.virginia.gov/LHD/index.htm>.
- Questions concerning possible medical examiner cases should be directed to the District Office of the Chief Medical Examiner serving your locality (contact

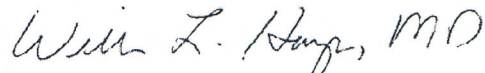
information available at <http://www.vdh.state.va.us/medExam/ContactUs.htm>).
FAQ's posted at <http://www.dhp.virginia.gov/medicine/dcfaq.htm>

- **What are the legal consequences of failure to sign a death certificate for a patient who I have treated and who dies a natural death outside of a medical care facility?**
 - Possible complaint to and investigation by Board of Medicine regarding possible professional misconduct.
 - Possible civil action related to professional practice.
 - Possible criminal charges under §32.1-27 for failure to comply with any regulation or order of the Board of Health or the Commissioner.

Thank you for making a difference in the lives of all Virginians faced with the loss of a loved one by completing this important final act of patient care. Please share this letter widely with other colleagues who may benefit from this information.



Marissa Levine, MD
State Health Commissioner
Virginia Department of Health



William L. Harp, MD
Executive Director
Virginia Board of Medicine