

**Medical Examiner policy for proper cremation or burial at sea certification**  
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The Virginia Code section § 32.1-284 states in part that “No dead human body whose death occurred in Virginia shall be cremated or buried at sea, irrespective of the cause and manner of death, unless a medical examiner shall determine that there is no further need for medicolegal inquiry into the death and shall so certify upon a form supplied by the Chief Medical Examiner.”

To properly certify a death for cremation or burial at sea the local medical examiner must, **without exception**:

1. Review the **signed death certificate** to ensure that it has a properly certified cause of death. No death may be certified for cremation without an actual review of the signed certificate of death, whether it is a green-bordered natural certificate or a red-bordered medical examiner certificate. Deaths may **not** be certified for cremation or burial at sea following only a phone call to the certifying physician or hospital for the cause and manner of death. The completed and signed death certificate **must** be reviewed before the death can be certified for cremation or burial at sea. This requirement prevents bodies from being cremated without a signed death certificate and reduces the number of phone calls from funeral directors to the Office of the Chief Medical Examiner for assistance when the attending physician changes his mind and refuses to sign the certificate after the body is already cremated. This policy protects not only the medical examiner but the funeral director, as well.
2. Review any pending death certificates and make appropriate inquiries. Usually a decedent **may** be cremated with a red-bordered medical examiner certificate that states pending as the cause and manner of death, but if you are unsure, contact your district medical examiner (ME) office. Any green-bordered (non-ME) death certificate that reads pending needs further inquiry by the local medical examiner of the attending physician as to the suspected cause and manner to ensure that the death is not truly a medical examiner’s case.
3. Ensure that a properly certified death certificate does **not** contain a mechanism such as cardiac or respiratory arrest as the cause of death. This should elicit further inquiry by the ME of the physician who signed the death certificate to confirm the underlying medical disease and to exclude intoxication, poison or injury as the cause.
4. Ensure that all death certificates with **traumatic or unnatural causes** are certified on a red-bordered death certificate by a medical examiner. Certain causes of death should elicit further investigation if present on a green-bordered death certificate which, in Virginia, assumes a non-medical examiner case and a natural cause and manner of death. Causes such as a subdural hematoma, intracranial hemorrhage, pulmonary emboli and fracture or complications of any type of injury are examples of causes that may be natural or unnatural. This investigation may once again be limited to a discussion with the attending physician to confirm, for example, that the intracranial hemorrhage is actually a hemorrhagic stroke or the fracture is a pathological fracture due to metastatic cancer. Occasionally, while reviewing a green-bordered death certificate, the ME may realize that the case actually falls under the jurisdiction of the Office of the Chief Medical Examiner. In such cases, the medical examiner should accept jurisdiction of the case and investigate it accordingly including completing a CME-1, examining the body, obtaining a blood sample, and issuing a new red-bordered (ME) death certificate.
5. **Confirm** the identity of the deceased by checking the hospital, funeral home or police department band or tag.
6. **Remove the clothing** and examine all skin surfaces to look for unsuspected injuries. If unexpected injuries, surgical incisions or casts indicative of traumatic injury, or evidence of neglect or abuse, further investigation by the medical examiner is required, and they may need to accept jurisdiction of the case.
7. Determine if a cremation **certificate is necessary** in a particular case. If a death occurs in Virginia, but the decedent is to be cremated in another state, a Virginia Medical Examiner must still examine the decedent, review the circumstances of the death, and complete a Virginia cremation/burial at sea form. If a death occurs outside of Virginia, but the body is to be cremated in Virginia, there is no requirement that a Virginia Medical Examiner complete a cremation certificate.
8. Attempt to **be fair** to fellow medical examiners. If a death needing a cremation certificate is certified by a medical examiner on a red-bordered medical examiner death certificate, it is only fair that the funeral director first contact the ME who investigated the case and certified the cause and manner of death for the cremation certificate, rather than calling another ME to view the body for cremation. If the investigating ME is unavailable to sign a cremation certificate or is from an outside jurisdiction making it difficult for the funeral director to get a signed cremation certificate from that investigating ME, the funeral director may call another local ME to certify the cremation in a timely fashion and avoid delay for the family.