

Virginia Department of Health, Office of the Chief Medical Examiner

Death Certification in Virginia: Frequently Asked Questions

1. *As a physician licensed in Virginia, under what circumstances am I obligated to complete a death certificate?*

By law in Virginia, you must complete a death certificate if you are the physician who was in charge of the patient's care for the illness or condition which resulted in death, unless the death was accepted for investigation by a medical examiner. When an investigation by the medical examiner is required, the medical examiner is required to determine cause of death and to complete the cause of death portion of the death certificate.¹

2. *When should a death be reported to the medical examiner?*

Any death involving injury, trauma, poisoning, or deaths that are unexplained, sudden or suspicious in nature should be reported to the medical examiner. Deaths in correctional or state mental health facilities and deaths of persons not under the care of a Virginia physician should also be reported.

3. *Who is the "physician in charge" of a patient's care at the time of death?*

If you have been providing medical care for a patient, you are in charge of their care, even if you are not his or her primary care physician. Any physician who provides care of a patient for a significant disease process can be responsible for signing the death certificate. This includes physician specialists who provide direct patient care. Prescription of medication for significant diseases, e.g. diabetes, hypertension, etc. is evidence of care.

4. *Are physicians working in health care facilities as hospitalists or emergency room physicians required to sign death certificates?*

If an emergency room physician or a hospitalist pronounces the death of a patient or prescribes medication for a significant disease process, that physician is responsible for signing the death certificate. Virginia law is clear: "the physician last furnishing medical care to the deceased shall prepare and sign the medical certification portion of the death certificate."¹

5. *Who else 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."¹

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

Again, Virginia law is clear: if a death is natural, the health care provider should "use his best medical judgment to certify a reasonable cause of death."¹ An autopsy can be performed, with authorization of the decedent's next of kin, by any hospital or private pathologist to identify and document disease processes associated with a natural death.

7. *What if there are several disease processes that could have caused the death?*

The health care provider must use his best medical judgment to certify the cause of death as the process most likely to have resulted in death or had the largest contribution to death. If a decision cannot be made, more than one process may be listed as the cause of death. For example, "complications of atherosclerotic cardiovascular disease and chronic obstruction pulmonary disease" is an acceptable cause of death.

¹ See Code of Virginia § 32.1-263 for the complete law, which is the source for many quotes in this document.

8. What if I would like to have an autopsy to determine the exact cause of death?

For a natural death, an autopsy can be performed by a pathologist with authorization by the next of kin. Without such authorization, no autopsy can be performed and you must use your best medical judgment to certify the most probable cause of death.

9. Who pays for an autopsy for a natural death?

The next of kin may contract with a private pathologist. Hospitals may offer autopsy services as part of their quality assurance or teaching programs.

10. 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 in good faith and who signs the death certificate in the absence of gross negligence or willful misconduct is immune from civil liability.¹

11. Within the last 10 years, how many physicians have been professionally censured, disciplined or successfully sued for determining the cause and manner of death and reporting their medical opinion on a death certificate?

None, according to the Virginia Department of Health Professions.

12. 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?

- A complaint could be made about you to the Board of Medicine regarding patient abandonment or other professional misconduct. This would result in an investigation of the complaint.
- You could face civil action related to professional practice.
- You could face criminal charges under §32.1-27 for failure to comply with any regulation or order of the Board of Health or the Commissioner.

13. Where can I get further assistance?

- Here is a link to a short presentation on how to complete a Virginia death certificate, which is posted on the Virginia Department of Health Professions website <http://www.dhp.virginia.gov/> 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.

14. If I consult with my Health District Director concerning a death in preparation for signing a death certificate, may I record that consultation in the decedent's health record as a professional consultation?

Yes.

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