

What Primary Care Physicians Need to Know

Pursuant to O.C.G.A. 45-16-2 of the Georgia Death Investigation Act, the Medical Examiner/Coroner investigates all unexpected/unattended deaths. In certain circumstances, the Medical Examiner/Coroner is compelled by statute to assume jurisdiction and perform an examination of the body and issue the death certificate for the death to be properly classified. Proper classification of deaths is not merely for statistical accuracy; it avoids wrongful internment, cremation without proper classification, errors in life insurance payments and criminal justice errors.

After the case is reported to the Medical Examiner/Coroner, what do I do?

If the Medical Examiner/Coroner accepts jurisdiction, you will not sign the death certificate. However, If the Medical Examiner/Coroner declines jurisdiction for a patient whom you have treated in the last 30 days, you are required to sign the death certificate within 72 hours (O.C.G.A. 31-10-159[C]). Treating a patient includes office visits, communication or prescription medication.

If you have any questions about what to list as the cause of death, the Medical Examiner/Coroner can assist you. In box 34 of the death certificate that asks if the case was reported to the Medical Examiner/Coroner, mark “yes.”

Should I be concerned about any civil or criminal liability when signing a death certificate?

The death certificate is the last act of patient care performed by the attending physician. As a legal document, the death certificate merely documents a change in status of a person from living to dead and lists a cause and manner of death for Vital Records. It does not infer that the death is the fault of the physician certifying the death.

If the case does not fit the criteria outlined in the Georgia Death Investigation Act (O.C.G.A. 45-16-2), the Medical Examiner/Coroner will not assume jurisdiction and the attending physician is legally obligated to sign the death certificate. If a physician refuses to sign a death certificate for a patient treated in the last 30 days, the physician is in violation of the provisions outlined in (O.C.G.A. 31-10-15 [c]). When the physician refuses to sign the death certificate despite legal and fiduciary obligations, the body cannot be interred or cremated. Also, Georgia law authorizes the funeral director or person acting as such to contact the Georgia Composite Medical Board for disciplinary action. Refusing to sign a death certificate does not enable a physician to avoid liability, but only puts the funeral home and family in a difficult situation in a time when grief should be their only burden.

If a physician has legitimate concerns that the death is anything but natural, the physician should contact the Medical Examiner/Coroner.

To sign a Death Certificate in Georgia, does the physician have to be present at the time of death?

No. A Georgia licensed physician may sign the death certificate for an attended death. A “death without medical attendance” is a death occurring more than 30 days after the decedent was last **treated** by a physician, except where the death was medically expected as certified by an attending physician. Notice the key word is “*treated*” and not “*seen*” or “*visited*.” Attended does not only mean the physician was present at the time of death. Treated includes office visits, communications, current prescriptions or a potentially life-threatening illness or extreme old age.

For example, a 90 year old patient with angina has not been in your office for four months. He dies in his sleep at home with a current refilled bottle of nitroglycerin tablets you prescribed. The police, EMS and the Medical Examiner/Coroner determine there are no signs of injury or foul play. *This is considered an attended death and you are legally obligated to sign the death certificate.* The physician signing the death certificate is merely following through with his/her statutory obligations as a licensed physician.

If your patient was reported to the DeKalb County Medical Examiner’s Office and you have a question pertaining to the cause and manner of the death of one of your patients, please contact us at 404-508-3500.