

# Death Certification Rules and Laws

## **Who is responsible for the medical certification of death?**

In non-medical examiner cases, the physician directing the care of the patient for the illness or condition which resulted in death is responsible for completing and signing the medical certification of death, as long as the patient had been cared for by that physician within the past four months. Of course, a treating physician or primary care doctor may certify deaths of patients under their care even if more than four months have elapsed between the patient's last visit and death. T.C.A. 68-3-502 (c)(1)

## **Who may complete the medical certification of death?**

A medical certifier is an M.D. or D.O with a valid license to practice medicine in Tennessee. Physicians who act in a supervisory role to nurse practitioners and/or physicians' assistants are responsible for signing the death certificates of patients treated by the nurse practitioner or physician assistant.

## **What if the responsible physician is not available?**

Just as physicians are responsible for arranging coverage for living patients in their absence, so too are they responsible for ensuring that any death certificates which may be assigned to them are completed thoroughly and promptly. Any physician with knowledge of the patient's medical history and circumstances of death may complete the death certificate. If death occurs in a medical institution, the chief medical officer of the facility is responsible for medical certification of death if no treating physician is available to do so. T.C.A. 68-3-502(c)(1)

## **When should the medical certification of death be completed?**

Within 48 hours of the death. T.C.A.68-3-502(c)(1)

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## **When should the county medical examiner be notified?**

The county medical examiner should be notified of all deaths occurring in a suspicious, unusual, or unnatural manner and of unexpected apparent natural deaths. This includes: deaths related in any way to violence or trauma; deaths of prisoners or persons in state custody; sudden unexpected deaths of infants and children; deaths in which the identity of the person is unknown or unclear; deaths at work or related to employment; and deaths due to acute intoxications or poisonings. If the death is related in any way to an identifiable injury or poisoning event, **regardless of the time elapsed between the injury and death**, the medical examiner for the county of death should be notified. When the county medical examiner assumes jurisdiction for the death, he or she becomes responsible for signing the death certificate. T.C.A. 38-7-108; 38-7-109; 68-3-502 (d)

## **What is my civil liability for signing a death certificate?**

Physicians completing and signing the medical certification of death in good faith are immune from civil suit. T.C.A. 68-5-513

## **What is the penalty for refusing to sign a death certificate?**

Refusing to sign a death certificate can create unnecessary distress to the family of the decedent and may delay funeral arrangements. In addition, physicians who refuse to or consistently fail to comply with the laws regarding death certification are subject to disciplinary action on their medical licenses. Rule 0880-02-.14 (13)

## **Why is the death certificate important?**

A completed death certificate is required for settling the estate of the decedent and for final disposition of the body. Funeral arrangements may be delayed if the death certificate is not completed in a timely fashion. Death certificates serve as the data source for mortality statistics, which in turn are used to direct public health efforts, allocate funds for research, and to assess the efficacy of preventative initiatives.