

The Vexing Problem of Death Certificates

That's what then Chief Medical Examiner of Cook County, Stephen J. Cina, MD called the problem of physicians failing to sign the death certificate of their recently deceased patients in a 2014 article in Chicago Medicine. Since that article first appeared, the number of complaints received by IDFPR involving physicians failing to sign death certificates has unfortunately skyrocketed. In large part this is the reason Dr. Cina wrote that article in the first place. The Cook County Medical Examiner's Office (the only such office in the state) and other county Coroner's Offices are overworked and underfunded. Shootings in Chicago, car crashes on the highways, overdose deaths statewide all tax an already overburdened system. Medical Examiners and Coroners can hardly keep up with the cases they are mandated by law to deal with. So when a patient's physician refuses to sign their patient's death certificate and instead tries, inappropriately to refer the case to the local ME or Coroner, the funeral home and especially the family, is caught in the middle and a complaint to the Department often ensues.

Most natural deaths, even if unexpected, do not fall under the jurisdiction of the ME or Coroner unless there are suspicious circumstances. And unless their involvement is legally required, the ME or Coroner is not bound to sign the death certificate just because the patient's clinician is uncomfortable doing so. Rather the Illinois Vital Records Act states that physicians who are attending to a patient are responsible for signing their patient's death certificate within 48 hours of death. Importantly, attending to does not only mean physical presence. A physician may be considered attending to a patient if the person is being seen in the physician's office or at the patient's home by the physician or their designee or if the patient is refilling prescriptions written by that physician. There is also nothing in the Vital Records Act that suggests that such "attendance" needs to be "recent", especially in the case of patients with chronic diseases who are only seen once or twice a year anyway.

Violation of the Vital Records Act is a misdemeanor and is also, as mentioned, a frequent cause of complaints to the Department. While not all of these complaints result in discipline, many do when the Department determines that the physician was obligated to sign the death certificate but failed to do so. The usual reason given for this failure is that "I don't know what they died of." While all physicians want to be correct in making a diagnosis, even a diagnosis of cause of death, the standard for completing a death certificate is not certainty, it is "more likely than not." To quote Dr. Cina, "Most patients who die suddenly and have a history of cardiovascular disease risk factors will die of a cardiac dysrhythmia, acute myocardial infarction, cerebrovascular accident, or aortic disease or aneurysm rupture." It is not necessary to know which one of these was the final cause of death, simply indicating arteriosclerotic cardiovascular disease or hypertensive cardiovascular disease covers all of these likely scenarios and is sufficient for the death certificate. It is also okay to preface the cause of death with "probable."

In this article Dr. Cina also referred to signing the death certificate as the physician's final service to their patient (and his or her family). Until the death certificate is signed, the patient can not be buried or cremated and their family can not get the closure they need and deserve. Discomfort with the sudden and unexpected death of a stable patient with known risk factors, fear of litigation or simply fear of being incorrect should not prevent you from fulfilling this final duty to your patient.

Assistance in Completing Death Certificates

The Cook County Medical Examiner's Office is staffed 24 hours a day 7 days a week and is available to provide advice to physicians on how best to certify the deaths of their patients. They can be reached at: 312-666-0200.