

CORONERS:
DEATH CERTIFICATE:

Coroner may sign death certificate only in cases where death has occurred without medical attendance and registrar refers case to coroner for his investigation and certification because circumstances render it probable that death was caused by unlawful or suspicious means, or where relatives or friends of deceased request coroner to hold inquest for purpose of issuing death certificate.

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Honorable H. K. Stumberg
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Dear Sir:

This is in reply to your letter of recent date, requesting an official opinion of this department, which reads, in part, as follows:

"Over the past number of years it has always been the practice in this county and the practice in other counties of the State of Missouri for coroners to sign death certificates without holding an inquest where the circumstances of the case do not render the probability that the death is caused by unlawful or suspicious means, and there has been no recent medical attendance. In such cases the coroner would be called, and he himself would view the body, inquire into the nature of the death, and then sign the death certificate without calling a jury and holding an inquest.

* * * * *

"Where an individual is found dead and there had been no recent medical attendance and the circumstances of the case do not render the probability that the death was caused by unlawful and suspicious means, may the coroner sign the death certificate without calling a jury and holding an inquest?"

The coroner is authorized to sign a death certificate only under the provisions of Section 9767, R. S. Mo. 1939, and Section

13253, R. S. Mo. 1939. Such sections provide that in case of any death occurring without medical attendance, the undertaker notifies the registrar, and the registrar informs the local health officer, except in cases where the local health officer is not a qualified physician, or where there is no local health officer. In case the local health officer is not a qualified physician, or there is no local health officer, the registrar is the officer authorized to make the certificate and return from the statement of relatives or other persons having adequate knowledge of the facts. The only provision for the making of a certificate by the coroner is when the circumstances of the case render it probable that the death was caused by unlawful or suspicious means. In such case the registrar is to refer the case to the coroner.

The St. Louis Court of Appeals, in the case of Crenshaw v. O'Connell, 150 S. W. (2d) 489, l. c. 492, said:

"As to this, suffice it to say that under the statute having to do with the coroner's duties in respect to registration of deaths, Sec. 9767, R. S. Mo. 1939, Mo. St. Ann. sec. 9047, p. 4191, the coroner is authorized to make a certificate of death only when the case is referred to him by the local registrar as one without an attending physician and one where the circumstances of the case render it probable that the death was caused by unlawful or suspicious means. The purpose of such reference is, of course, to have an investigation by the coroner as the officer whose duty it is to hold an inquest on the body of any deceased person; and when such a case is properly referred to the coroner, he conducts his investigation, and then executes the certificate of death required for a burial permit, stating therein the disease causing death or the means of death, and otherwise making the same conform to the requirements of the statute. * * *"

In the case of Patrick v. Employers Mut. Liability Ins. Co., 118 S. W. (2d) 116, the Kansas City Court of Appeals said, l. c. 124:

"There is no provision in Article 2, Chapter 52 of the statute empowering the coroner to make a death certificate, except under

the provisions of section 9047, Mo. St. Ann. sec. 9047, p. 4191. Said section authorizes the coroner to make such certificate when the case is referred to him by the registrar as a case without an attending physician and one where the death may have been caused by unlawful or suspicious means. In such a case the coroner, whose duty it is to hold an inquest on the body of the deceased, may make the death certificate required for a burial permit. O'Donnell v. Wells, 323 Mo. 1170, 21 S. W. 2d 762, 765."

In the case of O'Donnell v. Wells, 21 S. W. (2d) 762, the Supreme Court said, l. c. 765:

"Defendant insists the medical certificate must be made and signed by the attending physician. Plaintiff thinks the coroner was authorized by section 5803, Rev. St. 1919, to make and sign said part of the certificate of death. Said section does authorize the coroner to make the medical certificate when the case is referred to him by the registrar as a case without an attending physician and a case where death may have been caused by unlawful and suspicious means. When the coroner is so authorized, he must make the certificate as directed in said section. This duty is incidental to the duties of a coroner under chapter 48 (sections 5916-5957), Rev. St. 1919, which provides for taking inquests of violent and casual deaths. This chapter directs the coroner to perform no duty in aid of the registration of births and deaths.

"Defendant's contention must be sustained. It is clear the lawmakers had in mind the best information obtainable, for they provided in section 5802, Rev. St. 1919, that the medical certificate of the death certificate must be made and signed by the attending physician. They not only commanded the attending physician to make and sign the medical certificate but provided he would be guilty of a misdemeanor if he failed or refused to do so. Section 5817, Rev. St. 1919.

In cases calling for an inquest it would be the duty of the attending physician to notify the coroner. It would then be the duty of the coroner to hold an inquest under chapter 48 (sections 5916-5957), Rev. St. 1919. But the holding of an inquest does not authorize the coroner to make and sign the medical certificate unless the case was referred to him by the registrar as provided in section 5803.
* * * (Emphasis ours.)

From the above quoted cases, it is apparent that under Section 9767 the coroner has no authority to make a death certificate except in cases where the registrar has notified the coroner that the circumstances of the case make it probable that death was caused by unlawful or suspicious means.

Section 13253, R. S. Mo. 1939, provides that where a person shall have died from a cause other than violence or casualty and a certificate of death is necessary for the burial of such body, the coroner shall, at the request of the relatives or friends of such person, hold a view or inquest on the body.

In the case of Crenshaw v. O'Connell, supra, the court said, l. c. 492:

"In the case at bar, not only was the deceased receiving treatment from a doctor for high blood pressure up to the very time of his death, but, in addition, the case was concededly not referred to defendant by the registrar for his investigation and certification. Neither was defendant requested by the relatives or friends of the deceased to hold a view or inquest on the body for the purpose of issuing a certificate of the cause of death, Sec. 13253, R. S. Mo. 1939, Mo. St. Ann. sec. 11634, p. 4285, and so for the want of any of the circumstances empowering the coroner to make a death certificate, the autopsy performed upon the body of the deceased is not to be justified upon any such ground."

CONCLUSION

It is the opinion of this department that the coroner has authority to issue a death certificate only in cases where the

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registrar has referred such cases to the coroner because of the probability that death was caused by unlawful or suspicious means and where there was no medical attendance, in which case an inquest must be held by the coroner, or where the coroner is requested by relatives or friends of the deceased to hold an inquest for the purpose of issuing a death certificate.

Respectfully submitted,

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APPROVED:

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