

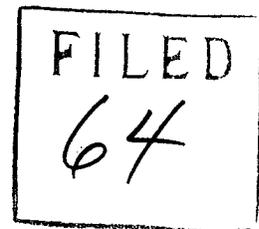
CORONERS:  
DEATH CERTIFICATES:  
HEALTH OFFICER:  
VITAL STATISTICS:

In cases of death where there is no physician in attendance upon the death of the deceased person, and death is not such as to bring it within the jurisdiction of the coroner, the person in charge of interment may, during the incapacity of the local registrar to perform his duties, directly notify the local health officer, and said local health officer should complete the certificate of death, in accordance with Section 193.140, RSMo 1949.

OPINION NO. 64

February 15, 1954

Honorable Richard D. Moss  
Assistant Prosecuting Attorney  
Jasper County  
Snyder Building  
Carthage, Missouri



Dear Sir:

By letter dated February 1, 1954, you requested an official opinion, as follows:

" \* \* \* The coroner refused to sign death certificates unless there is a question of suicide, accidental death or homicide. The local registrar of this district is in the hospital, therefore he is unable to sign as medical attendant on such deaths.

"The coroner has ordered Dr. K. E. Baker, county physician for the eastern district of Jasper County, to sign such certificates. Dr. Baker would like to know whether he should sign certificates for persons who die without being attended by a physician, such as persons found dead.

"Please give us an opinion as who should sign the death certificates in such cases. Whether it be the county physician or the county coroner. Then we could pass such information to the coroner, county physicians and funeral service firms. \* \* \* "

We assume that the "county physician" to which you refer in your letter is a county health officer appointed pursuant to Section 192.260, RSMo 1949:

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"The county courts of the several counties of this state may appoint a duly licensed qualified physician as a county health officer for a term of one year, and in the event a vacancy is created in the office of the county health officer, such court may appoint a duly licensed qualified physician for the unexpired term. If the county court of any county decides to appoint a county health officer as empowered in this law, it shall agree with the officer as to the compensation and expenses to be paid for such service, which amount shall be paid out of the county treasury of the county. Nothing contained herein shall be construed to require the county court of any county to appoint a county health officer in any county."

Upon presentation, by the person in charge of interment of a dead body, of a certificate of death to the physician last in attendance or to the coroner in those cases in which he has jurisdiction, said last attending physician or coroner must certify thereon the cause of death according to his best knowledge and belief. This is required by Paragraphs 1 and 2 of Section 193.140:

"1. The person in charge of interment shall file with the local registrar of the district in which the death or stillbirth occurred or the body was found a certificate of death or stillbirth within three days after the occurrence.

"2. In preparing a certificate of death or stillbirth the person in charge of interment shall obtain and enter on the certificate the personal data required by the division from the persons best qualified to supply them. He shall present the certificate of death to the physician last in attendance upon the deceased or to the coroner having jurisdiction who shall thereupon certify the cause of death according to his best knowledge and belief. He shall present the certificate of stillbirth to the physician, midwife or other person in attendance at the stillbirth, who shall certify the stillbirth and such medical data pertaining thereto as he can furnish."

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Paragraph 3 of Section 193.140 provides for the certification of the cause of death in those cases in which there was no physician in attendance upon the dead person, and over which the coroner has no jurisdiction.

"3. Thereupon the person in charge of interment shall notify the appropriate local registrar, if the death occurred without medical attendance, or the physician last in attendance fails to sign the death certificate. In such event the local registrar shall inform the local health officer and refer the case to him for immediate investigation and certification of the cause of death prior to issuing a permit for burial, cremation or other disposition of the body. When the local health officer is not a physician or when there is no such officer, the local registrar may complete the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts. If the circumstances suggest that the death or stillbirth was caused by other than natural causes, the local registrar shall refer the case to the coroner for investigation and certification."

Thus it appears that if a death occurs without medical attendance, or if the last medical attendant refuses to certify as to cause of death, and the death is such as not to come within the jurisdiction of the coroner, the provisions of Paragraph 3 of Section 193.140 apply. In such event, the statute requires the local registrar to inform the local health officer, and such local health officer shall, if he be a physician, issue the certification of the cause of death. We conclude that the "local health officer" referred to in said Section 193.140, Paragraph 3, is the county health officer authorized by Section 192.260, supra. Having determined that in those cases in which there was no last attending physician, and the death is not such as to bring it within the jurisdiction of the coroner, the person in charge of interment must notify the local registrar, who then shall notify the local health officer for investigation and certification of cause of death, it is necessary to determine whether the person in charge of interment may, instead of notifying the local registrar who is unable to perform the duties of his office because of illness, directly inform the local health officer of the case. We conclude that if the local registrar is incapacitated from performing his duties, and he has no deputy or other authorized person to relay the notice of death to the local health officer, that the notification may be given directly by the

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person in charge of interment to the local health officer. This conclusion is based upon the premise that the relay of information from the person in charge of interment to the local health officer through the local registrar is purely a mechanical act, the omission of which would not in anywise affect the purpose of this section, i.e., to have an authorized person ascertain the cause of death.

CONCLUSION

In the premises, therefore, it is the opinion of this office that in those cases of death where there is no physician in attendance upon the death of the deceased person, and the death is not such as to bring it within the jurisdiction of the coroner, the person in charge of interment may, during the incapacity of the local registrar to perform his duties, directly notify the local health officer, and said local health officer should complete the certificate of death, in accordance with Section 193.140, RSMo 1949.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. Paul McGhee.

Very truly yours,

JOHN M. DALTON  
Attorney General