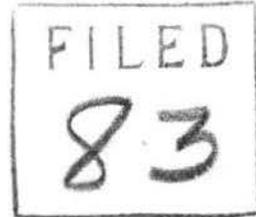


CORONER: Duty of attending physician to notify coroner upon death of person from injuries received by violence.

June 9, 1937



Mr. Wayne V. Slankard,  
Prosecuting Attorney,  
Neosho, Missouri.

Dear Sir:

We wish to acknowledge your request for an opinion wherein you state as follows:

"Coroner, Corley Thompson, of Newton County has requested that I obtain your opinion on the following:

"Within the past week two deaths have occurred by violence the parties having died in the local hospital. The doctor in charge of this hospital and who was in attendance upon these parties, failed to notify the coroner even after being requested after the first death to so notify the coroner in the event of a death in his hospital of someone injured by violence.

"I have attempted to ascertain from the Statutes, but I am not clear on it. Will you please let me know whether or not a physician under these circumstances would be required to notify the coroner, and whether a physician who attends upon a person who later dies from injuries received by violence, is required to notify the coroner, and if so, in the event they failed to do so what means may be taken to force such notification.

"Mr. Thompson has handed me the opinion you rendered to Mr. L. D. Rice in regard to the duties to hold inquests and it strikes me that the physician would be required to notify the coroner."

Section 9046, R. S. Mo. 1929, provides that the medical certificate of death shall be signed by the physician, if any, last in attendance, and if caused by violence, shall state its nature, in part, as follows:

"The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, \* \* \*. Causes of death, which may be the result of \* \* \* violence, shall be carefully defined; and, if from violence, its nature shall be stated, and whether (probably) accidental, suicidal, or homicidal."

In the case of O'Donnell v. Wells, 323 Mo. 1170, 21 S. W. (2d) 762, l. c. 765, the court in holding that in cases calling for an inquest it would be the duty of the attending physician to notify the coroner, said:

"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."

From the foregoing, we are of the opinion that it is the duty of the attending physician to notify the coroner in case of the death of a person due to injuries received by violence.

Yours very truly,

MAX WASSERMAN,  
Assistant Attorney General.

APPROVED:

---

J. E. TAYLOR,  
(Acting) Attorney General.