



POLICY

Physician Obligations Regarding Medical Certification of Death

STATUS:	APPROVED
Approved by Council:	Original policy entitled <i>Pronouncement of Death</i> approved in 1994
Confirmed:	November 2010
Revised:	March 2016, March 2019
To be reviewed:	March 2026

Preamble

The statutory requirements with respect to pronouncement and certification of death are as follows:

Pronouncement of death: There is no legal requirement that a physician pronounce death. This is a matter that can be regulated by policy of an institution. This is not addressed by this policy.

Certification of death: Only a physician, a nurse practitioner, or a coroner can complete a Medical Certificate of Death (MCO) to certify death. That duty cannot be delegated. A physician, a nurse practitioner, or coroner must sign the death certificate.

It is both a legal requirement and an ethical expectation that physicians will complete a MCO unless:

- a) The death arose in circumstances which, in the physician's opinion, required a report to the coroner (see section 7 of **The Coroners Act, 1999** reproduced below); or
- b) The physician is unable to make a "reasonable determination of the medical cause of death" (see section 35 of **The Vital Statistics Act, 2009** reproduced below)

There is no legal requirement that a physician must view the body before signing the death certificate. If the physician does not view the body, s/he must be satisfied as to the medical cause of death according to sound medical practice and judgment.

Moving a body: There is no legal requirement that a body must be seen by a physician before it may be moved, but if the death falls under **The Coroners Act**, the body may NOT be moved until the coroner authorizes it.

Background

A completed MCOD is a permanent record of the death of an individual. It records the personal information about the deceased and the details of the circumstances of death that are legally required to issue a burial permit and to settle the estate, insurance, and pensions. A completed MCOD is required before a funeral director can prepare the remains of the deceased for interment.

Physician Issues Regarding the MCOD

There is a lack of clarity among physicians about who can sign a MCOD under **The Vital Statistics Act, 2009**, which can delay funeral arrangements and cause undue stress to the family of the deceased.

Involving a coroner in an expected death is generally not necessary or practical. The coroner needlessly investigates a small, but significant number of deaths in Saskatchewan solely because a physician was unavailable or unwilling to complete a MCOD. For various reasons physicians may be reluctant to complete a MCOD, even when the cause of death is obvious and not suspicious. In most cases, reviewing this policy, contacting the College or contacting the Office of the Chief Coroner can address this reluctance.

Medical Certificate of Death

Any physician licensed to practise medicine in Saskatchewan is permitted to complete a MCOD for any death, unless the death is required to be reported to the coroner (see section 7 of **The Coroner's Act, 1999** reproduced below). The physician need not have attended the deceased during life.

If a matter is reported to the coroner and the coroner determines that the coroner will not investigate the death the coroner can authorize a physician to complete a MCOD.

Physicians completing MCOD should carefully review the medical records or make the necessary inquiries to satisfy themselves that the information provided about the circumstances of death is correct. Physicians who are unsure whether or not a death constitutes a coroner's case should consult directly with the coroner. A consult with the coroner does not automatically make it a coroner's case.

Disagreements about who is the “last attending physician” in a particular situation can delay the timely completion of a MCOD. Given the ambiguity sometimes associated with this term, the following criteria should be used to determine who should complete the MCOD:

- 1) In general, the physician who has the most complete and recent knowledge of the decedent should complete the MCOB. This is often a family physician, but may also be a specialist who has a good knowledge of the decedent's medical history.
- 2) Physicians covering for their colleagues are urged to make every effort to complete the MCOB. A chart review is often enough to establish a reasonable determination of the medical cause of death.

Medical Certification of a Stillbirth

The legislation is clear on the physician's responsibility in this regard. Appendix 3 contains the pertinent sections of **The Vital Statistics Act, 2009**.

APPENDIX 1 – The Coroner’s Act, 1999 – Duty to notify the Coroner of a Death

Duty to Notify Coroner of a Death

General duty to notify coroner

- 7(1) Every person shall immediately notify a coroner or a peace officer of any death that the person knows or has reason to believe:
 - (a) occurred as a result of an accident or violence or was self-inflicted;
 - (b) occurred from a cause other than disease or sickness;
 - (c) occurred as a result of negligence, misconduct or malpractice on the part of others;
 - (d) occurred suddenly and unexpectedly when the deceased appeared to be in good health;
 - (e) occurred in Saskatchewan under circumstances in which the body is not available because:
 - (i) the body or part of the body has been destroyed;
 - (ii) the body is in a place from which it cannot be recovered; or
 - (iii) the body cannot be located;
 - (f) was a stillbirth that occurred without the presence of a duly qualified medical practitioner;
 - (g) occurred as a direct or immediate consequence of the deceased being engaged in employment, an occupation or a business; or
 - (h) occurred under circumstances that require investigation.
- (2) Every peace officer who is notified of a death pursuant to subsection (1) shall immediately notify a coroner of the death.

APPENDIX 2 – The Vital Statistics Act, 2009 – Completing Medical Certificates of Death

Medical certificate of death

- 35(1) As soon as is practicable in the circumstances of a death that occurs in Saskatchewan, a medical certificate of death, in the form approved by the registrar, setting out the cause of death must be completed by the appropriate person pursuant to subsection (2) or (3).
- (2) Unless there is reason to believe that a death occurred in any of the circumstances set out in The Coroners Act, 1999 as circumstances in which notification is required to be given to a coroner, a medical certificate of death is to be prepared:
- (a) by a physician who was in attendance at the time of death or attended the deceased during the last illness of the deceased if the physician is able to make a reasonable determination of the medical cause of death; or
 - (b) if there is no attending physician who is able to make a reasonable determination of the medical cause of death, by any other physician who is able to make a reasonable determination of the medical cause of death;
 - (c) by a prescribed practitioner who was in attendance at the time of death or attended the deceased during the last illness of the deceased if the prescribed practitioner is able to make a reasonable determination of the medical cause of death; or
 - (d) if there is no prescribed practitioner mentioned in clause (c) who is able to make a reasonable determination of the medical cause of death, by any other prescribed practitioner who is able to make a reasonable determination of the medical cause of death.
- (3) In any case to which subsection (2) does not apply, the medical certificate of death must be completed by a coroner.
- (4) Subject to sections 36, 37 and 38, as soon as is practicable after the death of an individual:
- (a) the person who completes the medical certificate of death must submit the completed medical certificate of death:
 - (i) to the funeral director to whom the body has been released; or
 - (ii) if the body has not been released to a funeral director, to the registrar; and
 - (b) a funeral director who receives a medical certificate of death must:
 - (i) send to the electronic database a confirmation of receipt of the completed medical certificate of death; and
 - (ii) submit the medical certificate of death to the registrar

Interim medical certificate of death

- 36(1) A physician or prescribed practitioner who is awaiting the results of an autopsy, or a coroner to whom a death has been reported but who has not completed his or her responsibilities with respect to the death, may complete an interim medical certificate of death, in a form approved by the registrar, for the purpose of enabling a person to obtain a burial permit pursuant to section 42.
- (2) A physician, prescribed practitioner or coroner who completes an interim medical certificate of death:
- (a) must submit the interim medical certificate of death in accordance with clause 35(4)(a); and

- (b) as soon as is practicable after the results of an autopsy have been received or the coroner's responsibilities have been completed, as the case may be, must complete a final medical certificate of death and submit it to the registrar.

APPENDIX 3 – The Vital Statistics Act, 2009 – Duty in relation to stillbirths

Duties of attending health professionals – stillbirths not in hospitals

- 47(1) Every physician who attends at a stillbirth that occurs in a place other than a hospital or, if there is no physician in attendance, any other health professional in attendance at a stillbirth that occurs in a place other than a hospital shall give notice of the stillbirth to the registrar in accordance with subsection (2).
- (2) A notice of stillbirth must:
 - (a) be sent to the registrar within 24 hours after the stillbirth occurs;
 - (b) contain the information required by the registrar; and
 - (c) be in a form approved by the registrar.
- (3) A health professional who attends a stillbirth that occurs in a place other than a hospital shall provide to the parents of the stillborn child or to any person to whom clause 45(2)(b) or (c) applies:
 - (a) a statement form; or
 - (b) information respecting the obligation to complete a statement with respect to the stillbirth.

Medical certificate of stillbirth

- 49(1) As soon as is practicable in the circumstances of a stillbirth, a medical certificate of stillbirth in the form approved by the registrar, setting out the cause of stillbirth, must be completed:
 - (a) by a physician who was in attendance at the time of the stillbirth; or
 - (b) if there was no physician in attendance at the time of the stillbirth, by any other physician or a coroner;
 - (c) by a prescribed practitioner who was in attendance at the time of the stillbirth; or
 - (d) if there was no prescribed practitioner in attendance at the time of the stillbirth, by any other prescribed practitioner or a coroner.
- 2) As soon as is practicable in the circumstances of a stillbirth:
 - (a) the person who completes the medical certificate of stillbirth must submit the completed medical certificate of stillbirth to the funeral director to whom the body has been released; and
 - b) the funeral director must:
 - (i) send to the electronic database a confirmation of receipt of the completed medical certificate of stillbirth; and
 - (ii) submit the original medical certificate of stillbirth to the registrar

APPENDIX 4 – The Vital Statistics Regulations, 2010 – Authorizing Nurse Practitioners to Complete Certificates of Death

Medical certificates of death and interim medical certificates of death - prescribed practitioners

15.1 For the purposes of clauses 35(2)(c) and (d) and subsections 36(1) and (2) of the Act, a nurse practitioner is a prescribed practitioner.

Medical certificates of stillbirth and interim medical certificates of stillbirth - prescribed practitioners

25.1 For the purposes of clauses 49(1)(c) and (d) and subsections 50(1) and (2) of the Act, a nurse practitioner is a prescribed practitioner.