

## **What Primary Care Physicians Need to Know**

Under the provisions of O.C.G.A. 45-16-2 of the Georgia Death Investigation Act, the Fulton County Medical Examiner (FCME) investigates all unexpected/unattended deaths. In certain circumstances, the FCME is compelled by statute to assume jurisdiction, perform an examination of the body, and issue the death certificate for the death to be properly classified. Proper classification of deaths is not merely for statistical accuracy; it avoids wrongful internment, cremation without proper classification, errors in life insurance payments, and criminal justice errors.

### **After the case is reported to the Fulton County Medical Examiner, what do I do?**

If FCME accepts jurisdiction, you will not sign the death certificate. However, if FCME declines jurisdiction for a patient you have treated in the last six (6) months, you must sign the death certificate within seventy-two (72) hours (O.C.G.A. 31-10-15 [C]). Treating a patient includes office visits, telehealth visits, communication, or prescription of medication.

If you have any questions about what to list as the cause of death, FCME can assist you. In box 34 of the death certificate that asks if the case was reported to the Medical Examiner/Coroner, mark “yes.”

### **Should I be concerned about any civil or criminal liability when signing a death certificate?**

The death certificate is the last act of patient care performed by the attending physician. As a legal document, the death certificate merely documents a change in status of a person from living to dead and lists a cause and manner of death for Vital Records. It does not infer that the death is the physician's fault certifying it.

If the case does not fit the criteria outlined in the Georgia Death Investigation Act (O.C.G.A. 45-16-2), the FCME will not assume jurisdiction, and the attending physician is legally obligated to sign the death certificate. If a physician refuses to sign a death certificate for a patient treated in the last six (6) months, the physician violates the provisions outlined in (O.C.G.A. 31-10-15 [C]). When the physician refuses to sign the death certificate despite legal and fiduciary obligations, the body cannot be interred or cremated. Also, Georgia law authorizes the funeral director or person acting as such to contact the Georgia Composite Medical Board for disciplinary action. Refusing to sign a death certificate does not enable a physician to avoid liability, but only puts the funeral home and family in a difficult situation at a time when grief should be their only burden.

**If a physician has legitimate concerns that the death is anything but natural, the physician should contact the FCME.**

### **To sign a Death Certificate in Georgia, does the physician have to be present at the time of death?**

No. A Georgia-licensed physician may sign the death certificate for an attended death. A “death without medical attendance” is a death occurring more than six (6) months after the decedent was last **treated** by a physician, except where the death was medically expected as certified by an attending physician. Notice the key word is “*treated*” and not “*seen*” or “*visited*.” Attended does not only mean the physician was present at the time of death. Treated includes office visits, communications, current prescriptions, or a potentially life-threatening illness or extreme old age.

For example, a 90-year-old patient with angina has not been in your office for seven (7) months. He dies in his sleep at home with a current refilled bottle of nitroglycerin tablets you prescribed. The police, EMS, and FCME determine there are no signs of injury or foul play. *This is considered an attended death and you are legally obligated to sign the death certificate.* The physician signing the death certificate is merely following through with his/her statutory obligations as a licensed physician.

**If your patient’s death was reported to the Fulton County Medical Examiner and you have a question about the cause and manner of the death, please contact us at 404-613-4400.**