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## New Medical Board of California Prescription Drug Awareness Public Safety Announcement



The Medical Board of California has teamed with twelve-time Olympic medalist Natalie Coughlin to create a new Public Service Announcement (PSA) that urges physicians and consumers alike to "Spread the Word ... One Pill Can Kill."

Visit the MBC YouTube Channel at  
<https://www.youtube.com/user/CAMedicalBoard>

You can view the video by clicking the picture (which will open up the YouTube page on your computer's web browser) or by using this URL:

[https://www.youtube.com/watch?v=r11mZ3\\_urFo](https://www.youtube.com/watch?v=r11mZ3_urFo).

There is a longer educational video, featuring Medical Board Member Michael Bishop, M.D., that you can view by using this URL:

[https://www.youtube.com/watch?v=Unt-RjFWJcl&list=UUFE65eB4G\\_rBNGFR4PCUmyw](https://www.youtube.com/watch?v=Unt-RjFWJcl&list=UUFE65eB4G_rBNGFR4PCUmyw)

The Medical Board encourages you to watch these videos and share them with colleagues, patients and consumers.

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## Requirement for Physicians to Sign Death Certificates

*L.A. County Coroner's Office*

### **What to do when law enforcement/a hospital/a mortuary calls about a deceased patient:**

Ask the individual notifying you what they know about what occurred. Did the patient die in their sleep, or was it a witnessed collapse? Was there a recent complaint of chest pain? Give the caller all the patient's pertinent medical history, as they are trying to the Coroner's office determine if this is a coroner case. It is important to note that HIPAA privacy protections end with the death of the patient.<sup>1</sup>

Inform the caller if the decedent has recently had any major traumatic injuries, complications from a distant past injury, or if the decedent was a chronic drug user. Accidents, homicides and suicides are automatic coroner cases.

You may be asked if you will sign the death certificate. If you are not going to sign the certificate, you must give a valid medical reason why (Example: If the patient has no known medical conditions and is younger than 60 years old). Failure to sign a death certificate without medical reason will result in notification to the Medical Board of California.<sup>2</sup>

If the patient died in the hospital, ER physicians do not usually sign death certificates. The primary care physician or any specialist treating the patient is required to sign the death certificate.<sup>3</sup>

Please give death certificates your immediate attention. They are quick and easy to fill out and attest to.<sup>4</sup>

### **What is a death certificate and how to sign it:**

A death certificate is legal document of death stating a medical opinion of why a person died. It is not stating an absolute fact. Some statistics are drawn from them but they are very broad. Stating that you want better statistics is not a valid reason for not signing.

Do not put mechanisms of death on the death certificate, such as cardiopulmonary arrest, etc. Mechanisms of death are discouraged on the death certificate as they are not a cause of death. Instead, use the condition that immediately led to the death. For example, Arteriosclerotic Cardiovascular Disease or Hypertensive Heart Disease.

If you are not sure how to sign the death certificate

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## Death Certificates *(continued from page 14)*

then feel free to call the coroners' office. All local coroners' offices will gladly walk you through signing a death certificate or discussing medical history to better determine causes of death. If you think based on the circumstances of the death that the person likely died of a certain cause then the word **probable** is okay to place on a death certificate.

If the decedent has significant medical history, which did not cause the death, but likely contributed to the poor health and subsequent death, line 112 on the death certificate allows you to list those conditions. Also, do not use words like "abuse." Use "chronic use" instead.

### **What do to do when my patient is a Coroner case:**

Upon request from the coroner please send all pertinent medical records immediately. Families are waiting on you and the coroners' office for closure and answers.<sup>5</sup>

As the physician you can request a final report to learn why your patient died.

### **Clarifications:**

***"I'm the covering physician and the primary care physician is on vacation."***

When you agree to cover patients for another physician and have access to medical records you are also volunteering to take care of their patients in death. Most physicians (even on vacation) could easily attest a death certificate while out of the country by utilizing the phone and email. The covering physician is also legally required to sign when acting on behalf

of the primary even though they have not personally seen the patient.

***"I want an autopsy."***

If the decedent has significant medical history and good causes of death, the local coroner/medical examiner will not perform an autopsy. The local coroner makes the final decisions on what is and is not a coroner case. Neither the physician nor the family can demand that an autopsy be performed. If the family is insistent, a private autopsy or a local hospital may do one after the primary care physician signs a death certificate.

***"I wasn't present at death or haven't seen the decedent in over 20 days."***

Attendance does not mean being physically present at death. It means under the care of a physician. If you are prescribing medications for conditions, then you have knowledge to sign a death certificate. The 20 day limit varies from county to county according to each county policy. In Los Angeles, a physician has up to six months from the last date of attendance to sign. Orange County and Riverside County allow up to several years since last seeing the decedent if the physician has knowledge of the decedent and will sign the certificate. Talk to your local coroner/medical examiner to understand your obligations and time frames. Anything over 20 days is checked by the coroner/medical examiner to assure the proper signing is done.

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**1. HIPAA Reg 45CFR 164.512(g)(1)** states: A covered entity may disclose protected health information to a coroner or medical examiner for the purposes of identifying a deceased person, determining a cause of death, or other duties as authorized by law.

**2. Health and Safety Code Section 103785:** Every person who is required to fill out a certificate of birth, fetal death, death, or registry of marriage and register it with the local registrar, or deliver it, upon request, to any person charge with the duty of registering it, and who fails, neglects, or refuses to perform such duty in the manner require by this part is guilty of a misdemeanor.

**3. Health and Safety Code Section 102795:** The medical and health section data and the time of death shall be completed and attested to by the physician and surgeon last in attendance, or in the case of a patient in a skilled nursing or intermediate care facility at the time of death, by the a licensed physician assistance under the supervision of the physician and surgeon last in attendance if the physician and surgeon or licensed physician assistant is legally authorized to certify and attest to these facts, and if the physician assistant has visited the patient within 72 hours of the patient's death.

**4. Health and Safety Code Sections 102800 and 102825** require that physicians attest death certificates within 15 hours.

**5. California Civil Code Section 56.10(b) (8)** states: When requested in course of an investigation by the coroner's office for the purpose of identifying the decedent or locating the next of kin, or when investigating deaths that may involve public health concerns, organ or tissue donation, child abuse, elder abuse, suicides, poisonings, accidents, sudden infant death, suspicious deaths or criminal deaths, or when otherwise authorized by the decedent's representative. Medical information requested by the coroner under this paragraph SHALL be limited to information regarding the patient who is the decedent and who is the subject of the investigation and SHALL be disclosed to the coroner without delay upon request.