

1978 S.C. Op. Atty. Gen. 131 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-102, 1978 WL 27772

Office of the Attorney General

State of South Carolina

Opinion No. 78-102

May 23, 1978

***1 SUBJECT: Coroners, Dead Bodies, Vital Statistics**

SYLLABUS:

(1) Unless the situation involving a death indicates that an inquiry into the circumstances of the death is necessary or the death occurred without such medical attendance as could enable the physician associated with a patient to be aware of the illness or condition which resulted in the death, there is no requirement that a county coroner be notified in addition to a medical doctor.

(2) It is not necessary that a county coroner examine an individual who is dead on arrival at a hospital unless there has been no examination of the body by a physician or the circumstances are such that there is an indication that the death did not result from natural causes and therefore, further inquiry is necessary.

(3) A coroner may pronounce a body dead and direct that it be moved even though it is highly advisable that a physician be consulted in each death where possible.

(4) Certified copies of death certificates should only be furnished by the State Registrar or county registrar and then only when the individual requesting such has complied with the requirements regulating the issuance of these certificates.

J.M. Richardson
Marion County Coroner

QUESTIONS:

1. Is it necessary that the county coroner be notified in addition to a medical doctor when a death occurs in a location outside of an institution, such as a private home?

2. Is it necessary for the county coroner to examine those individuals dead on arrival at a hospital if a medical doctor has previously examined them?

3. Is a county coroner authorized to go to places such as nursing homes to pronounce a person dead when a doctor has refused to go or cannot be reached?

4. Is a funeral home authorized to issue certified copies of a death certificate?

STATUTES:

[Section 17-7-20](#) and [17-7-510](#), [Code of Laws of South Carolina](#), 1976; Section 9.1(a), (c), (d), 9.4, 13.1, 13.2 of Rule 61.19 of the Rules and Regulations of the South Carolina Department of Health and Environmental Control; 1971 Ops. Att'y Gen. No. 3160, p. 121.

DISCUSSION:

As to the first question concerning whether it is necessary that a coroner be notified in addition to a medical doctor when a death occurs in a location outside an institution, such as a private home, [Section 17-7-20, Code of Laws of South Carolina](#), 1976 provides in part that:

Whenever a body is found dead and an investigation or inquest is deemed advisable the coroner or the magistrate acting as coroner, as the case may be, shall go to the body and examine the witnesses most likely to be able to explain the cause of death, take their testimony in writing and decide for himself whether there ought to be a trial or whether blame probably attached to any living person for the death, and if so and if he shall receive the written request, if any, required by Section 17-7-50, he shall proceed to summon a jury and hold a formal inquest as required by law. But if there be, in his judgment, no apparent or probable blame against living persons as to the death he shall issue a burial permit and all further inquiry or formal inquest shall be dispensed with. (Emphasis added)

*2 Therefore, when an investigation or inquest is deemed advisable, the coroner's responsibility arises as expressed above. Furthermore, [Section 17-7-510, Code of Laws of South Carolina](#), 1976, provides:

If any person shall bury or cause to be buried the dead body of a person supposed to have come to a violent death before notice to the coroner to examine the body and before inquiry is made into the manner and circumstances of the death, such person shall be liable to indictment therefor ...

Therefore, it can be seen that a coroner's responsibility mainly arises in the event of violent deaths or deaths with unusual circumstances which promote inquiry into the nature of the death.

A death certificate is required to be completed and filed by a funeral director, or a person acting as such, for each death that occurs in the State. Furthermore, it is required that the funeral director obtain a medical certificate stating the cause of death prior to fulfilling the above obligation. Section 9.1(c) and (d) of Rule 61-19 of the Rules and Regulations of the South Carolina Department of Health and Environmental Control provides that:

(c) the medical certificate shall be completed and signed within twenty-four hours after death by the physician in charge of the patient's care for the illness or conditions which resulted in death except as otherwise provided in these regulations, or when inquiry is required by the medical examiner or coroner. (d) When death occurred without medical attendance or when inquiry is required by the medical examiner or coroner, it shall be the medical examiner or coroner's duty to investigate the cause of death, and when inquiry is required by the medical examiner he shall complete and sign the medical certification within twenty-four hours after taking charge of the case, and in all other cases the coroner shall have this responsibility.

Based on the above, it is the opinion of this Office that unless the situation involving a death appears to necessitate an inquiry into the circumstances of the death, or the death occurred without such medical attendance as would enable the physician associated with a patient to be aware of the illness or condition which resulted in the death, there is no requirement that the county coroner be notified in addition to a medical doctor.

As to the question of whether it is necessary that the county coroner examine those individuals dead on arrival at a hospital if a medical doctor has previously examined them, Section 9.4 of Rule 61-19 of the Rules and Regulations of the South Carolina Department of Health and Environmental Control states:

In the case of a person dead on arrival at a hospital or institution, the physician who views the body may sign the death certificate, provided that in his opinion death resulted from natural causes, and there was no attending physician, or the attending physician was not available.

In all other cases in which a physician is unavailable, the medical examiner or coroner shall prepare and sign the medical certification of cause of death.

*3 Therefore, in response to your question, it is not necessary that the county coroner examine an individual who is dead on arrival at a hospital unless there has been no examination of the body by a physician or the circumstances are such that there is an indication that death did not result from natural causes and therefore, further inquiry is necessary.

The third question asked is whether a county coroner is authorized to go to places such as nursing homes to pronounce a person dead when a doctor has refused to go or cannot be reached. As to such, this Office has previously stated that: A coroner may pronounce that a body is dead and direct that the body be moved under present state law without the concurrence of a physician but it is highly advisable that a physician be consulted on each death where possible. 1971 Ops. Att'y Gen. No. 3160, p. 121.

As to your last question concerning whether a funeral home is authorized to issue certified copies of a death certificate, it is the opinion of this Office that pursuant to Rules and Regulations of the South Carolina Department of Health and Environmental Control such practice is not authorized. Section 9.1(a) of Rule 61–19 of these Rules and Regulations states:

A death certificate for each death which occurs in this State shall be filed with the county registrar of the county in which the death occurred within three days after such death, and shall be registered by such registrar if it has been completed and filed in accordance with this section....

Under the provisions detailing disclosure of information contained in vital records, Section 13.1 of Rule 61–19 of the Rules and Regulations of the South Carolina Department of Health and Environmental Control detail those circumstances which must be shown to exhibit that a person seeking information from such records has a direct and tangible interest in the contents of a record. Such information is disclosed only when the State Registrar or county registrar is satisfied that there is compliance with this interest requirement and that the information is necessary for the determination or protection of a personal or property right. Section 13.2 of Rule 61–19 of the Rules and Regulations of the South Carolina Department of Health and Environmental Control detail how certified copies of vital records may be made and issued. There is no provision allowing anyone other than the State Registrar or the county registrar to disclose such information by means of certified copies of a death certificate, and therefore it is the opinion of this Office that the practice of anyone else doing so would be unauthorized.

CONCLUSION:

1. Unless the situation involving a death indicates that an inquiry into the circumstances of the death is necessary or the death occurred without such medical attendance as could enable the physician associated with a patient to be aware of the illness or condition which resulted in the death, there is no requirement that a county coroner be notified in addition to a medical doctor.

*4 2. It is not necessary that a county coroner examine an individual who is dead on arrival at a hospital unless there has been no examination of the body by a physician or the circumstances are such that there is an indication that the death did not result from natural causes and therefore, further inquiry is necessary.

3. A coroner may pronounce a body dead and direct that it be moved even though it is highly advisable that a physician be consulted in each death where possible.

4. Certified copies of death certificates should only be furnished by the State Registrar or county registrar and then only when the individual requesting such has complied with the requirements regulating the issuance of these certificates.

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