

Death Certificate, Who Shall Make. Certificate of Death, Who shall make. Coroner, Duty of Issuing Death Certificate. Physician, Duty of to Issue Death Certificate. Registrar, Duties of Relating to Death Certificate.

Where the deceased was under the care and treatment of a physician at the time of his death it is the duty of such physician to sign the death certificate, even though a coroner's inquest may be held.

Where the person died without medical attendance the undertaker must notify the registrar and the registrar notifies the health officer or the coroner, and whichever one of these officers is so notified, shall immediately make the necessary investigation and sign the certificate.

The registrar has the liberty to notify either the health officer or the coroner.

March 5, 1912.

Dr. T. D. Tuttle,
Sec'y, State Board of Health,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 2nd inst., submitting the question:

Whose duty is it to sign the death certificate required by

Section 1770, Revised Codes, as amended?

Said Section 1770 as amended by Chapter 48, Laws of 1909, contains the statement:

"The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased."

Section 1771, Revised Codes, provides that in case of any death occurring without medical attendance the undertaker shall notify the registrar of such death and the registrar shall inform either the local health officer or the coroner and refer the case to him for immediate investigation and certification. The duty of the coroner primarily is to make inquiry as to whether a crime has been committed rather than to make investigation as to the precise cause of the death. Under these statutes, I believe the following rules may be taken as a guide in determining whose duty it is to sign the "certificate of death."

1. Where the deceased was under the care and treatment of a physician at the time of his death it is the duty of such physician to sign the certificate, even though a coroner's inquest may be held.

2. Where the person died without medical attendance, the undertaker notifies the registrar and the registrar notifies the health officer or the coroner, and whichever one of these officials is so notified, he shall immediately make the necessary investigation and sign the certificate.

The registrar appears to be at liberty to notify either the health officer or the coroner in his discretion, the purpose being, perhaps, to select the one who under the circumstances of the case will most expedite the investigation.

Yours very truly,

ALBERT J. GALEN,

Attorney General.