



Kent and Medway Coroners

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COVID-19 PANDEMIC- INFORMATION TO DOCTORS RE: DEATH CERTIFICATION AND REFERRAL TO CORONER 20TH MARCH 2020

1. The Coroners' Service has received many enquiries from General Practitioners about death certification and best practice in terms of attending their elderly patients who are in residential or nursing home settings during the pandemic.
2. This document is intended to assist by providing information to doctors from the perspective of the Coroner. It is given with the caveat that it is not for the Coroner to advise General Practitioners how to conduct their practices; these are issues for the General Medical Council and the British Medical Association from whom such advice should be sought.

Completion of the Medical Certificate of the Cause of Death (MCCD)

3. The doctor who attended the deceased during their last illness has a legal duty to complete a MCCD and arrange for delivery of it to the relevant registrar as soon as possible to enable the registration to take place¹.
4. There is no clear legal definition of 'attended', but it is generally accepted to mean a doctor who has cared for the patient during the illness that led to death and so is familiar with the patient's medical history, investigations and treatment².
5. It is arguable therefore that 'attended' could include video or telephone consultations as well as those in person.
6. The British Medical Association may have their own interpretation of what constitutes 'attendance'.

¹ S22 Births and Deaths Registration Act 1953

² Guidance for Doctors Completing MCCD in England and Wales

<https://www.gov.uk/government/publications/guidance-notes-for-completing-a-medical-certificate-of-cause-of-death>

7. The current legislation requires a doctor to issue a MCCD if:
- He or she is satisfied that they can state the correct cause of death³ *and*
 - The cause of death is entirely natural *and either*:
 - The attendance was during the previous 14 days *or*
 - He or she has viewed the body after death
8. Emergency Legislation (the draft bill of which was published at the time of writing⁴) is likely to make temporary modifications of legislation such that:
- a) A registered medical practitioner who is not the practitioner who attended the deceased during their last illness may sign a MCCD if:
 - The practitioner who attended is unable to sign the MCCD or it is impractical for them to do so *and*
 - The medical practitioner who proposes to sign the MCCD is able to state to the best of their knowledge and belief the cause of death
 - b) A registered medical practitioner may sign a MCCD even in the case of a person who has not been attended during their last illness by a registered medical practitioner if they are able to state to the best of their knowledge and belief the cause of death
 - c) The requirement for the deceased to have been attended within 14 days of the death occurring is extended to 28 days
9. The legislation referred above will also make changes to the requirements in respect of Cremation forms to permit cremations to proceed on the basis of Cremation Form 4 alone.

COVID-19 is a Natural Cause of Death

10. A death is typically considered to be unnatural if it has not resulted entirely from a naturally occurring disease process running its natural course, where nothing else is implicated⁵.
11. COVID-19 is an acceptable direct or underlying cause of death for the purpose of completing a MCCD⁶

COVID-19 deaths should not require a post mortem

12. Guidance from the Royal College of Pathologists states that in general if a death is believed to be due to a confirmed COVID-19 infection, there is

³ To the best of the doctor's knowledge and belief on the balance of probabilities s22 Births and Deaths Registration Act 1953

⁴ <https://services.parliament.uk/Bills/2019-21/coronavirus.html>

⁵ Para 24 Guidance to the Notification of Death Regulations 2019

⁶ <https://www.england.nhs.uk/coronavirus/primary-care/> 10 March 2020

unlikely to be any need for a post mortem to be conducted and a MCCD should be issued⁷

COVID-19 Cases Should not be Referred to the Coroner unless there is Another Reason for Doing So

13. COVID-19 is a notifiable disease under the Health Protection (Notification) Regulations 2010 but the fact that it is does not mean that the death needs to be referred to the Coroner on this basis⁸



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⁷ <https://www.rcpath.org/resourceLibrary/briefing-on-covid-19-autopsy-practice-feb-2020.html>

⁸ <https://www.england.nhs.uk/coronavirus/primary-care/> 10 March 2020