

Completing Death Certificates

1

Funded By A Grant From The Texas Court Of Criminal Appeals

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2

Works Cited

- Stram M. Cause, manner, mechanism of death & death certificate.
<https://www.pathologyoutlines.com/topic/forensicscauses.html>
- <https://www.cdc.gov/phlp/publications/coroner/texas.html>
- Dr. Amy Gruzeki, American Forensics, Mesquite, Texas;
214-221-2700
- Kaeleigh DeMeter, Forensice Inv., Harris County Medical Examiner's Office;
<https://www.youtube.com/watch?v=rXx9ViuTK58>

3

Resources

www.tjctc.org

- Deskbooks, Forms, Charts and Checklists
- Legal Question Board and Legal Calls
- Recordings, live webinars, and Self-Pace Modules
 - Upcoming: Live TxEVER Webinar on Jan. 4th
- Colleagues

4

Resources; Continued

<https://www.medicinenet.com/medterms-medical-dictionary/article.htm>

www.sll.texas.gov/legal-help

Has Texas Laws and Court Rules

- Health and Safety Code Ch. 193
- Code of Criminal Procedure Ch. 49
- Family Code 264.513; 264.514
- Administrative Code 181.1 (10) and (17)

Medical examiner

County health official

5

Resources; Continued 2

www.cdc.gov/nchs/nvss/writing-cause-of-death-statements.htm

- Training on Cause of Death
- Instructions for cause of death section
- Handbooks
- Tips for Common Problems
- Cause of Death App for your phone

6

Resources; Continued 3

www.dshs.texas.gov/vs/partners/txever-guides/#user

- TxEVER and User Guides
- Help desk
 - *TXEVER help desk - help-txever@dshs.texas.gov*
 - *1-888-963-7111*

7

Death Certification ...But why

- | | |
|---------------------------|----------------------|
| ☞ Legal documentation | ☞ Epidemiology |
| ☞ Life expectancy | ☞ Insurance |
| ☞ Funding | ☞ At risk activities |
| ☞ Identifying disparities | ☞ Mortality rate |

8

Code of Criminal Procedure

Art. 49.05, Place of Inquest

- (b) A justice of the peace may conduct an inquest:
- (1) at the place where the death occurred;
 - (2) where the body was found; or
 - (3) at any other place determined to be reasonable by the justice.

9

Death Investigation Systems

Medical Examiner System

- Forensic Pathologist
- Appointed
- 15 in Texas
- Population \geq 2 Million

Coroner System

- Not usually a physician
- Elected
- Mostly JPs

10

Advantages	§	Medical Examiner
v.	§	System
Disadvantages	§	

Advantages

- Quality
- Training
- Budget
- Uniformity

Disadvantages

- Man power
- Recruitment/retention
- Pecuniary pressure
- Education

11

Advantages	§	Coroner
v.	§	System
Disadvantages	§	

Advantages

- Financially feasible
- Autonomy
- Judicial powers
- Preservation of dignity

Disadvantages

- Medical proficiency
- Monetary restraints
- Education
- Misdiagnosis

12

Death Investigation

- Testimony of friends, family, and acquaintances
- Professional advisement
- Medications at the scene
- Criminal/Mental/Social history
- Autopsy
- Medical records and history

13

HIPPA

(Health Insurance Portability and Accountability Act)

Code of Federal Regulations, Title 45, 164.512

(g) Standard: Uses and disclosures about decedents –

(1) *Coroners and medical examiners.*

A covered entity may disclose protected health information to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law.

14

Interviewing Family Members and Others

- Last time to speak or see the decedent alive
- Demeanor
- Gripes/Complaints
- Unbecoming behavior
- Medical history
- What type of patient was the decedent
- PCP information
- Social/lifestyle behavior

15

Examination of the Body

- ◇ Trauma
 - Abrasions
 - Contusions
 - Petechial hemorrhage of the eyes
- ◇ Position
- ◇ Guns/knives/ropes
- ◇ Blood – splatter/direction
- ◇ Insects activity
- ◇ Color/Lividity
- ◇ Notes
- ◇ Extracurriculars
- ◇ Height to weight ratio

16

Examination of the Body; Continued

◇ Work related death:

Regardless if in the course of the usual occupation

At work: On a break or at lunch in the parking lot of the premises of work

Not at work: engaged in personal recreational activity on the premises of work

At work: Working for compensation at home

Not at work: A visitor at an employer

- ◇ Tobacco Use
- ◇ Injury related
- ◇ Pregnancy within the last year
- 10 -54 years

17

Determining Time of Death

- ◇ Contact
- ◇ Insect activity
- ◇ Browser history
- ◇ Cell phone
- ◇ Putrefaction (decay)
- ◇ Food or drinks
- ◇ Odors
- ◇ Eye witnesses
- ◇ Mail or news papers

18

Determining Time of Death; Continued

- Actual
- Presumed
- Estimated
- Found

Three *different* times of death

1. Exact moment
2. Physiologic
3. Estimated

19

Determining Time of Death; Continued 2

Rigor Mortis (muscle stiffening)

Warm & absent = > 3 hours

Warm & present = 3-8 hours

Cold & absent = < 36 hours

Cold & present = 8-36 hours

20

Determining Time of Death; Continued 3

Livor Mortis (lividity or post-mortem hypostasis)

- Develops within 30 minutes – 4 hours
- Blanching
 - 6 – 12 hours after death
- Non-Blanching
 - Fixed > 12 hours

21

Determining Time of Death; Continued 4

Algor Mortis (Cooling of the body)

Develops within 2-4 hours after death

Applicable up to 24 hours after death

The body cools approx. 1.5° F per hour after death

The Nomogram Method

22

Determining Time of Death; Continued 5

Putrefaction

- ◇ = > 48 hours
- ◇ Bloating and discoloration (10-20 days)
- ◇ Blisters
- ◇ Skin slippage
- ◇ Loss of hair and nails
- ◇ Mummification

23

Autopsies: Ask The Experts

Discretionary

- *Any*
- *All*
- *None*
- *Private*
- *The bill is not your problem (TX CCP 49.10 (g); (h))*

TX CCP 49.10 (e) (1)

24

Autopsies: Ask The Experts Continued

Mandatory

- *Directed to do so by the prosecutor*
- Child < 6 years

TX CCP 49.10

TX FC 264.514

25

Autopsies: Ask The Experts Continued 2

Prohibited

- Asiatic cholera
- Bubonic plague
- Typhus fever
- Smallpox
- Communicable disease during a public health disaster
 - Influenza Pandemic of 1918
 - COVID-19

TX CCP 49.10 (d)

26

Determination of Death

A person is dead when, according to ordinary standards of medical practice, there is irreversible cessation of the person's spontaneous respiratory, circulatory, and brain functions.

Health and Safety Code
Chapter 671.001

27

Cause and Manner of Death

Cause of death = Opinion of the certifier

“The cause-of-death section is designed to elicit the *opinion* of the medical certifier. Causes of death on the death certificate represent a medical *opinion* that might vary among individual physicians.”

- CDC Physicians' Handbook on Medical Certification of Death. 2003 Revision.

28

Manner of Death Categories

The Category Of Death

-
- **Natural**
 - Deaths due to illnesses or conditions (such as heart attacks or cancer) rather than external causes
 - These are the *only* types of deaths that a physician will certify
 - **Accident**
 - Fall off a ladder
 - Snake bite
 - Traffic accident

29

Manner of Death Categories, Cont.

-
- **Homicide**
 - The actions of another person
 - Does not have to be criminal
(i.e. self-defense shooting is still homicide)
 - **Suicide**
 - Self inflicted

30

Manner of Death Categories, Cont. 2

- **Undetermined**

- Only use when it is impossible to determine the manner of death

- **Pending investigation**

- waiting for additional information
- > 5 days to make determination

31

Cause of Death Categories

* The reason someone dies

* Chain of events leading to death

- Illnesses or conditions
 - Heart attacks or cancer
 - Other than external causes
- Blunt force trauma
- Motor vehicle accident
- Mechanical asphyxiation

32

Cause of Death Categories, Cont.




Mechanism of death = Ill-defined

❖ Due to...

- Exsanguination ... *due to* gunshot wound to the chest
- Cardiac arrest ...*due to* Arteriosclerotic cardiovascular disease
- Hypoxia... *due to* mechanical asphyxiation
- Congestive heart failure... *due to* diabetes.

33

What Do Cause & Manner Look Like Together?

- Cause: Gunshot to the head  Manner: Suicide
- Cause: Drowning  Manner: Accident
- Cause: Stab wound to the chest  Manner: Homicide

34

Scenario

David Decedent is a 51 year old male who has died at a local assisted living facility.

When David was 36 he was shot in the torso, which resulted in paraplegia. The gunshot wound was caused by a disgruntled employee who shot the David and several others at a warehouse facility.

According to medical records, David has had multiple bouts of urinary tract infections secondary to urinary catheterization. He developed urosepsis, which is complicated by pneumonia and he is placed on hospice care. He died three days later.

What would you certify as the cause and manner of death?

35

Manner Of Death – Homicide

Cause Of Death – Gunshot Wound To The Torso

Contributors – Urosepsis, Pneumonia

The decedent required catheterization due to paraplegia caused by the gunshot wound of the torso.

The length of time between the injury and death does not change the manner, whether an individual dies immediately due to a gunshot wound, at the E.R., or years later due to complications from the gunshot wound. As long as the injury led to a direct, continuous sequence of events unbroken by any efficient intervening event.

36

“But-for” Principal

But For The Injury Or Disease, Would The Death Occur?

- But for Hypertension, would the death occur from Hypertensive Arteriosclerotic Cardiovascular Disease?
- But for the assault, years prior, would the death occur?
- But for a heart attack, would drowning have occurred?
- But for the work-related infection, would death have occurred?

37

Formal Inquest Or Inquest Hearing

- CCP Art. 49.14 - May/Shall (a)
- Very uncommon
- Refer to pages 21-23 of Inquests Deskbook
- The same manner as a civil case
- Transcription
- Contempt powers

38

Online Death Certificate System: TxEVER

**Operated by the Office
of Vital Statistics under
the Department of State
Health Services**

<https://www.dshs.texas.gov/txever/>

39

When and How to Complete?

- Death Certificate must be completed by the **10th day** after the death
- File with the local registrar of the registration district in which:
 - The death occurs; or
 - The body is found, if the place of death is not known.
 - HSC Sec. 193.003 (A)

40

Certifying the Certificate of Death

Part I - Cause of death

sequence of conditions or events leading directly to death

- Line (a)
 - ❖ Immediate cause of death
- Line (b), (c), and (d)
 - ❖ What gave rise to the immediate cause of death
 - ❖ Each condition should have caused the condition on the line above it
- If more room is needed

You are not required to fill every line!!!
Must only use line (a)

Part II – Other significant conditions contributing to death

- ❖ Present conditions not leading to the underlying cause of death
- ❖ Use punctuation

41

Tell The Story : Example

32. **PART I.** Enter the chain of events—diseases, injuries, or complications—that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. Enter only one cause on a line. Add additional lines if necessary.

<p>IMMEDIATE CAUSE (Final disease or condition resulting in death) -----></p>	<p>a. <u>Has heart failure</u></p> <p>Due to (or as a consequence of): _____</p>
<p>Sequentially list conditions, if any, leading to the cause listed on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST</p>	<p>b. <u>It spread (metastases)</u></p> <p>Due to (or as a consequence of): _____</p> <p>c. <u>Descendent had breast cancer</u></p> <p>Due to (or as a consequence of): _____</p> <p>d. _____</p>

42

Is This Properly Completed?

32. **PART I.** Enter the chain of events--diseases, injuries, or complications--that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. Enter only one cause on a line. Add additional lines if necessary.

		Cardiopulmonary Arrest (Heart Stops)
IMMEDIATE CAUSE (Final disease or condition -----> resulting in death)	a.	_____
		Due to (or as a consequence of): Hypertension (high blood pressure)
Sequentially list conditions, if any, leading to the cause listed on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST	b.	_____
		Due to (or as a consequence of):
	c.	_____
		Due to (or as a consequence of):
	d.	_____

43

Try To Be As Specific As Possible

Vague cause of death: Cancer

Specific cause of death: Adenocarcinoma of the upper right lung with metastases to the brain

Contributing factor: Fail to thrive

Vague cause of death: Seizure

Specific cause of death: Delirium Tremens (seizure due to alcohol withdrawal)

Contributing factor: Alcoholism

44

Try To Be As Specific As Possible Cont.

▪ Abbreviation example:

- Instead of STD
- pneumocystis carinii pneumonia & acquired immunodeficiency syndrome (AIDS)

45

Oh No! That Wasn't Right!

Medical amendment

46

Disasters

- “An occurrence that has resulted in property damage, deaths, and/or injuries that overwhelms the community resources”
– Federal Emergency Management Association

Wildfires

Flooding

Hurricanes

47

Remember!

Justices of the Peace are swearing to the information in
the Death Certificate

48

Release of Death Certificate

- Confidentiality of a death certificate is in effect for 25 years after the date of death and may be released only to a properly qualified applicant.
- If the deceased is unidentified, it is public information 1 year after the death.

Texas Government Code § 552.115(a)(2)

49

Don't be like Judge Roy Bean

50