

OPINION NO. 1204**Syllabus:**

It is the duty and obligation of the coroner of the county in Ohio in which the death occurs to complete and sign the medical certification as to the cause of death on a death certificate where death occurs from casualty or suspicious circumstances happening in another state.

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To: E.W. Arnold, Director of Health, Columbus, Ohio
By: William B. Saxbe, Attorney General, July 9, 1964

I have your request for my opinion which reads as follows:

"Since 1963 Opinion No. 470 was rendered by the Attorney General, we have experienced several instances where the coroner of the county in which death occurred has refused to sign the death certificate. As a result, we are now beginning to experience an incomplete registration of deaths.

"With these circumstances in mind,

your opinion is respectfully requested with regard to the following:

"Where death occurs in a County located in Ohio from casualty or suspicious circumstances happening in another state, does the coroner of the County in Ohio in which the death occurs have either the authority or duty to complete and sign the medical certification as to the cause of death on a death certificate as required in Section 3705.27 of the Revised Code?"

In answer to your question, the following distinction should be noted. The holding of a coroner's inquest as discussed in Opinion No. 470, Opinions of the Attorney General for 1963 is a separate and distinct act from the medical certification of death contained in the death certificate. The Syllabus of Opinion No. 470 is as follows:

"1. Where death results in one county from casualty or suspicious circumstances occurring in another county, the coroner within whose jurisdiction the injury causing death occurred is authorized to conduct the inquest and the inquest must be held in that county. (Syllabi two and three, Opinion No. 37, Opinions of the Attorney General for 1923, are hereby overruled.)

"2. The finding of a body, where the circumstances of the death are unknown, may give the coroner within whose jurisdiction the body is found authority to start an inquiry into the cause of death."

This distinction, I have been informed, is recognized throughout the United States. It is for this reason that Opinion No. 470, supra, can be reconciled with Section 3705.27, infra.

Pursuant to Section 3705.26, Revised Code, "each death which occurs in Ohio shall be registered with the local registrar of vital statistics of the district in which the death occurred by the funeral director or other person in charge of interment or cremation of the remains". Section 3705.27, Revised Code, provides as follows:

"The personal and statistical particulars in the certificate of death or stillbirth shall be obtained by the funeral director or other person in charge of interment or cremation from the best qualified persons or sources available. The statement of facts relating to the disposition of the body and information relative to the armed services referred to in section 3705.26 of the Revised Code shall be signed by the funeral director. The funeral director shall then present

the certificate of death to the physician or coroner for certification of the cause of death. The medical certificate of death shall be made and signed by the physician who attended the deceased or by the coroner within forty-eight hours after death. If there is reason to believe that the death was caused by unlawful or suspicious means, the funeral director shall refer the case to the coroner who shall hold an inquest, as provided by section 313.17 of the Revised Code, and make the medical certificate of death or stillbirth required for a burial permit, except as otherwise authorized by regulation of the public health council."

Section 313.02, Revised Code, contains the qualifications for the office of coroner. The coroner must be a physician licensed to practice in the State of Ohio. As a general rule, a coroner in another state would not be licensed to practice medicine in Ohio. It is therefore the duty and obligation of the coroner of the county in Ohio in which the death occurs to complete and sign the medical certification as to the cause of death on a death certificate where death occurs in a county in Ohio from casualty or suspicious circumstances happening in another state. Any other result would seriously disrupt the complete registration of deaths occurring in Ohio provided by the General Assembly.

Therefore, it is my opinion and you are hereby advised that it is the duty and obligation of the coroner of the county in Ohio in which the death occurs to complete and sign the medical certification as to the cause of death on a death certificate where death occurs from casualty or suspicious circumstances happening in another state.