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CLIENT ADVISORY

October 6, 2014

Coping With Death. . .Certificates: Virginia's Electronic Death Certificate System and Renewed Guidance Assist Providers with Final Acts of Patient Care

Electronic Death Registration System

Beginning this month, the Virginia Department of Vital Statistics, a division of the Virginia Department of Health (VDH), will begin provider registration for the Electronic Death Registration System (EDRS) for the completion of certificates of death. Traditionally, death certificates were all completed by paper. With the roll out of the EDRS, all health care providers (funeral directors, physicians, hospitalists, nurse practitioners, physician's assistants or their designees) will be required to register to use the program and obtain a PIN to complete death certificates electronically. The intent of the program is to assist providers in completing their part of the death registration process faster, with fewer errors and more efficiently. Registration is underway and the program will go live on November 1, 2014. Providers can register and review program manuals and materials by visiting the VDH website, or by [clicking here](#). A schedule of available training for the EDRS is also available on the VDH website.

Completion of Death Certificates

With the roll out of the EDRS, it is important to refresh and renew one's understanding of the duties established by Virginia law for certain physicians (or their delegates) to complete death certificates.¹ In Virginia, the general rule for natural deaths is that any health care provider may sign the death certificate if he or she provided care for a patient's chronic illness or condition within the year preceding death, and that condition is the most probable underlying cause of death. Virginia law also allows non-physicians to complete the death certificate in certain circumstances.

A [letter](#) issued by the Virginia Board of Medicine (BOM) on August 1, 2014, explains that most deaths are considered natural deaths in that they typically occur because of chronic, progressive diseases such as hypertension, cardiovascular disease, diabetes, chronic obstructive pulmonary disease, or malignancy. The BOM cautions that a physician is subject to a complaint or discipline against his professional license when he is able to complete a death certificate, but fails to do so in a timely manner. Conversely, in the absence of gross negligence or willful misconduct, a physician who completes the certificate is afforded civil liability immunity, even if the information provided on the death certificate turns out to be inaccurate.

The BOM acknowledges that many physicians remain reluctant to complete and sign death certificates, which is an "important final act of patient care," according William Harp, Executive director of the BOM. The letter issued by the BOM, in addition to a [FAQ](#) published on the VDH, Office of the Chief Medical Examiner's website, provides guidance to physicians regarding their obligation and ability to complete death certificates.

¹ See, Va. Code Ann. § 32.1-263.

If you have questions regarding the new EDRS allowing providers to complete death certificates online, or if physicians have questions related to completing patient death certificates, please feel free to contact Mary Malone, mmalone@hdjn.com or Thomas Miller, tmiller@hdjn.com. They can also be reached by phone at (866) 967-9604. Additional information about Hancock, Daniel, Johnson & Nagle, P.C. is available on the firm's website at www.hdjn.com.

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