

## COMPLETION OF DEATH NOTIFICATION FORMS

When doctors are faced with the completion of death notification forms, we advise as follows:-

Section 14 of the Births and Deaths Registration Act 51 of 1992 (the "Act"), reads : -

### **Death due to natural causes.—**

- (1)(a) In the case of a death due to natural causes any person who was present at the death, or who became aware thereof, or who has charge of the burial concerned, shall give, as soon as practicable, by means of a certificate mentioned in section 15 (1) or (2), notice thereof to a person contemplated in section 4.
- (b) Where notice of a person's death cannot be given by means of a certificate mentioned in section 15 (1) or (2) because a medical practitioner did not attend him or her before his or her death, or was not available to examine the corpse, **any person who was present at the death, or who became aware thereof**, must give notice of the death in the prescribed manner, and the person contemplated in section 4 must deal with such notice in accordance with the prescribed procedure.

Section 15 of the Act reads as follows : -

### **Certificate by medical practitioner**

- (1) Where a medical practitioner is satisfied that the death of any person who was attended before his death by the medical practitioner was due to natural causes, he shall issue a prescribed certificate stating the cause of death.
- (2) A medical practitioner who did not attend any person before his death but after the death of the person examined the corpse and is satisfied that the death was due to natural causes, may issue a prescribed certificate to that effect.
- (3) If a medical practitioner is of the opinion that the death was due to other than natural causes, he shall not issue a certificate mentioned in subsection (1) or (2) and shall inform a police officer as to his opinion in that regard.

Therefore, we advise that if the doctor faced with completing the death notification form was not the treating doctor, he/ she must do a physical examination of the body to determine whether the person died of natural or unnatural causes. Any doctor may be requested to do this physical examination if there was no treating doctor at the time of death.

If the doctor, in his/ her professional opinion believes that for whatever reason, the cause of death was unnatural or any suspicion is roused, he/ she must write the cause as 'unnatural' on the Death Notification Form and inform the police in this regard. The police will proceed to follow proper procedure in terms of the Inquest Act and a forensic pathologist will be employed to do a post-mortem on the body (provision of Section 15(3)).

Also, the doctor needs to provide the following information on him/ herself :-

- Full name
- Surname
- Physical and postal address
- Contact details
- Important: MP number (if the MP nr is not mentioned, the form will be rejected - this is requested in terms of an internal Policy of Dept of Home Affairs and is needed to ensure that

the doctor who completed the Form is a registered doctor with the Health Professions Council of SA)

We advise that, in view of numerous requests regarding whether or not a deceased's HIV status may be included on a death certificate, we **attach** hereunder an extract from the Revised SAMA Human Rights and Ethical Guidelines on HIV: A manual for medical practitioners, which policy was approved by Human Rights, Law and Ethics Committee & Board of Directors during November 2006, for your information.

#### 9. DEATH NOTIFICATION FORMS AND DEATH CERTIFICATES

New regulations on death notification forms have been passed in 1998. The new death notification form has two pages, which are detachable. The first page is used so that the burial can be authorised by Home Affairs, or to give an indication as to whether further investigations into the death is required by the SAPS and the Prosecuting Authority. On this page the cause of death is only indicated as "natural" or "unnatural". This is the page on which the Death Certificate is issued by the Department of Home Affairs as proof of death. This is the Certificate that insurers will require in order to look into a claim relating to a life insurance policy, etc.

The two pages must be detached. The second page is confidential and is used by the state (Home Affairs) to collect data. On this the medical cause of death, which may include reference to HIV status as the cause of, for example, an infection that led to death. The deceased person is not named on this page, and the information found on it is used for purely statistical purposes. This second page may not be used by any other party and may not be given, even on request, to any third party, insurer, etc. The second page is meant to be sent to (or in many cases collected from the hospital by) the Department of Home Affairs. However, the practical recommendation is for the second page to be sealed in an envelope and stapled to the first page, to accompany the body to the undertaker. The Department of Home Affairs has indicated that it cannot deal with the notification from being separated from the first page.

#### **When it comes to interns ...**

The South African Medical Association's (SAMA) Human Rights Law and Ethics unit has also received some queries regarding whether or not an intern has the necessary authority to sign a death certificate.

In terms of section 36(2) of the Health Professions Act (56 of 1974), interns are not prohibited from issuing any certificate or document which may be issued by a medical practitioner. In so doing an intern may describe themselves as a medical practitioner. Under section 36 (2) (a) of the Act, it permits student interns to issue documents pertaining to the service they perform under the supervision of a medical practitioner in respect of the performance of their duties.

Although the above legislation allows student interns to sign documents such as death certificates, the Health Professions Council of South Africa holds that it is wise for interns to seek guidance from the doctors under whose supervision they work when called upon to sign death certificates or other important documents.