

DEATH CERTIFICATES

When is an individual legally considered “dead”?

Under Washington law, an individual is “dead” when it is determined according to accepted medical standards that the individual has sustained either:

- Irreversible cessation of circulatory and respiratory functions; or
- Irreversible cessation of all functions of the entire brain, including the brain stem.¹

What is the legal definition of a “fetal death”?

Under Washington law, a “fetal death” occurs when any product of conception, after complete expulsion or extraction from its mother, shows no evidence of life such as breathing, beating of the heart, pulsating of the umbilical cord, or definite movement of voluntary muscles.²

Must a death certificate be prepared and filed for all deaths?

Yes, with one exception—no certificate is required for fetal deaths if the period of gestation is less than 20 weeks.³

Who must prepare and file the death certificate?

The funeral director or the person with the right to dispose of the deceased’s remains⁴ must prepare and file the death certificate. In preparing the certificate, he or she must present the death certificate to the physician, physician’s assistant, or advanced registered nurse practitioner who last attended the deceased or who was in attendance at the fetal death. Within two business days, the physician, physician’s assistant, or advanced registered nurse practitioner must certify the cause of death according to her or his best knowledge and then sign or electronically approve the certificate unless good cause for not doing so within this timeframe can be established.⁵

If the deceased died without medical attendance, the health officer, medical examiner, coroner, or prosecuting attorney having jurisdiction must similarly certify the cause of death and sign or electronically approve the certification. If the circumstances suggest the cause of death (or fetal death) was caused by unlawful or unnatural causes the individual completing or signing the death certificate noting only that no physician, PA, or ARNP was in attendance at the time of death. If there is no suspicion of death from unlawful or unnatural causes, the death certificate should note that no physician, PA, or ARNP was in attendance at the time of death, and also note the cause of death without the holding of an inquest or performing an autopsy, but from

¹ *In re Welfare of Bowman*, 94 Wn.2d 407, 421 (1980) (adopting the Uniform Determination of Death Act).

² RCW 70.58.150.

³ RCW 70.58.160.

⁴ RCW 68.50.160 addresses the question of who may have this right.

⁵ RCW 70.58.170.

statements of family or persons in attendance at the time of death or during the deceased individual's last illness, or others who have an adequate knowledge of the facts..⁶

Can a county coroner or medical examiner be liable for erroneously determining the cause of death?

No. A physician acting as a county coroner or medical examiner is immune from civil liability for determining the cause and manner of death.⁷

When and where must a death certificate be filed?

If the place of death is known, a death certificate must be filed with the local registrar of the district where the death occurred within three business days after the death becomes known. .

If the place of death is not known, the death certificate must be filed with the local registrar of the district where the body's remains are discovered within one business day of the discovery.⁸

The death certificate must be filed before the body's interment or other disposition.⁹ If after three business days, however, the cause of death still cannot be determined—and thus the certificate cannot yet be certified and filed—the deceased's attending physician must give a written explanation for the delay to the local registrar of the district where the death occurred so that a permit for the body's disposition can be issued.¹⁰

Are there penalties for failing to comply with death certificate requirements?

Yes. Failure to comply with death certificate requirements is a misdemeanor; repeated violations may subject a physician to a fine of up to \$250, imprisonment for up to 90 days, or both.¹¹ Also, willfully providing false information for or making any false statement on a death certificate is a gross misdemeanor.¹²

⁶ RCW 70.58.180.

⁷ RCW 68.50.015.

⁸ RCW 70.58.160.

⁹ RCW 70.58.160.

¹⁰ RCW 70.58.190.

¹¹ RCW 70.58.280(1).

¹² RCW 70.58.280(2).