

## AFTER DEATH CARE AND LEGAL REQUIREMENTS

### VERIFICATION OF DEATH

Verification of death is established through clinical assessment for the absence of signs of life. Death can be verified by health practitioners, including medical practitioners, nurse practitioners, midwives, registered nurses, emergency medical technicians, paramedics. Verification of death does not have any legal status, does not require any opinion as to the cause of death and does not constitute authority for a body to be buried or cremated.

### MEDICAL CERTIFICATE OF CAUSE OF DEATH (MCCD)

The Medical Certificate of Cause of Death is a legal document which can only be completed by a medical practitioner or a nurse practitioner and records:

- Full details of the deceased
- The circumstances of and cause of death
- Section 46B of the Burials and Cremation Act 1964 requires that a MCCD is issued by a medical practitioner or nurse practitioner within 24 hours of the medical practitioner or nurse practitioner learning of the death, provided they are satisfied that the cause of death was a result of an illness and is not otherwise reportable.

The most appropriate medical practitioner or nurse practitioner to complete the medical certificate of the cause of death is the medical practitioner or nurse practitioner who attended the person, who has sufficient knowledge of the person, including their past medical history, and nature of illness. However there is no provision in the act that requires a medical practitioner or a nurse practitioner to have seen a person within a specific time frame before being able to certify death. The medical practitioner or nurse practitioner does not have to examine the body before providing the MCCD unless cremation is planned.

However there are good reasons to routinely examine the body. These include:

- Satisfying one self that the identity of the person is confirmed
- To ensure all relevant information has been checked
- To console and support family and answer any questions

If the usual medical practitioner or nurse practitioner is unavailable then the MCCD may be done by an alternate medical practitioner or nurse practitioner. That person must look at the medical records made by the medical practitioner or the nurse practitioner who last attended the person during the illness, and consider the circumstances of the person's death, and examine the body.

### Transfer of responsibility of deceased body

There is no clear stipulation or restriction about who can take possession of a body after death. Families and carers may wish to take the responsibility for caring for the body, and or make their own funeral arrangements. A MCCD must be completed before removal of the body from place of death unless the person removing the body is a funeral director. When the body is removed from the place of death, the person in charge of the body is required by law to sign a transfer of charge of body (BDM39) unless the person accepting the body is:

- A funeral director
- Not a funeral director but transferring to a funeral director
- A member of the police

A doctor authorised to undertake a post mortem

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A funeral director may transfer the body even if the MDDC has not yet be completed. Before accepting the body the funeral director may want assurances:

- That the coroner does not have jurisdiction
- Clarification as to who will complete the MCCD
- That the MCCD will be completed in a timely manner.

Where a MCCD has been completed it must be given to the funeral director at the time. A body cannot be embalmed, buried, cremated or otherwise disposed of unless the person in charge of the disposal has obtained a MCCD or authorisation from the Coroner.

The Map of Medicine is a comprehensive tool for more information: <http://app.mapofmedicine.com>