

Should I Change The Time Of Death On The Medical Certificate Of Death?

Clinical Case

Francisco is a 76-year-old male with a history of obesity, hypertension, and COPD with home oxygen therapy 24 hours a day. He is in the emergency room for pneumonia with severe acute respiratory failure. At 18:00 the patient went into cardiorespiratory arrest, and after performing advanced CPR, the patient died. After reviewing the medical history and examining the corpse, Dr. Fernandez, the attending physician, signed the medical certificate of death (MCCD). She informs the family in detail and gives them the MCCD. After an hour, the funeral home representative comes to the emergency room and, in the presence of the family, asks Dr. Fernandez if she can move the time of death up by an hour in the MCCD. The reason, if the death is recorded as having occurred before 5:00 p.m., formalities can be expedited, and the burial can take place the following day. However, if the death is recorded as having occurred at 6:00 p.m. the burial has to be delayed by a day- which is very inconvenient for the family and will also have an impact on the family's funeral expenses. Dr. Fernandez feels pressured, as not only was she asked by the funeral home representative to change the MCCD but also by the patient's daughter. Dr. Fernandez knows that changing the time on the MCCD isn't appropriate, nevertheless, she feels that doing so would be better for the family. Should the doctor change the time of death on the MCCD?

Ethical Analysis Of The Case

End-of-life support includes care for loved ones, from information to bereavement services. This includes the management of issues such as the MCCD. However, loyalty to a patient and his or her relatives after death must not prevent the physician from maintaining his or her professionalism and complying with ethical and legal standards. The conflict, in this case, is between truthfulness and the accuracy of documentation and, conversely, the well-being of the patient's family. Dr. Fernandez has the responsibility to be truthful in the clinical history and on the MCCD but, she doubts whether she should breach her duty to benefit the family.

The veracity in a patient's medical record and on official certificates is an ethical, deontological, and legal obligation, so if breached, it can have deontological and legal consequences for false documentation. The responsibility to be truthful on the MCCD falls strictly on the doctor, regardless, of pressure from the funeral home and/or family.

Possible Courses of Action

- Change the time of death on the medical record and issue a new MCCD, with the time the family requested.
- Tell the family that you won't change the MCCD, but that they can find another physician to do it.
- Indicate to the funeral home rep and the family that you cannot change the certificate, but that they can do it if they want to, at their own risk.
- Express to the family and the funeral home that changing the MCCD is impossible, without further explanation.
- Consult with the center's legal counsel to see if an exception can be made in this case.
- Talk to the family and explain that, although you regret the consequences of the time of death, the time cannot be changed, either on the certificate or in the medical record, and explain the reasons why.
- Talk with the funeral home representative alone and explain that the request is against the law, and tell them, for future reference, if they need to comment on something regarding the MCCD that it should be done with the doctor in private.
- Report the incident to the Duty Court and file a case against the funeral home representative for violating the law.

Recommended Courses of Action

- Dr. Fernandez cannot grant the request made by the funeral home representative and the family, both from an ethical standpoint and from legal and professional deontology.
- In order to correctly address this issue, the first action should be aimed at informing the family about the current legislation in effect and about the duty of health professionals regarding the veracity of clinical documentation.
- During the conversation, it is important to be empathetic and at the same time assertive. Be sympathetic to the reasons for the request, but make it clear that it is impossible to falsify documents for administrative reasons or the welfare of the family.
- Current legislation should also be explained to the funeral home representative so that they are aware of what actions a physician is/is not allowed to take concerning the MCCD. Additionally, they should be informed, for future reference, that if they need to comment on something regarding the MCCD, they do so preferably in private- to avoid unnecessary conflict between the physician and the family at such a difficult time.
- If there is any doubt about current legislation, legal counsel should be consulted to make sure which actions are or are not permitted regarding the MCCD.

DISCUSSION

Assistance during the death of the patient is a comprehensive process that includes not only care for the patient but also for those close to the patient. This involves carrying out certain procedures such as the completion of the MCCD. After death, the medical history of the patient must be reviewed and the corpse must be examined to assess whether the MCCD can be signed off on or not (the need for further investigation or prosecution). For proper management of the MCCD, healthcare professionals should be aware of their legal and deontological obligations, as well as the practical aspects of its performance.

Occasionally the physician may feel forced by patients, family members, or third parties to act contrary to their code of ethics, or the law. The physician must act in the best interest of the patient, but this should not lead to a breach of his or her obligations. When filling out the MCCD and other official documents, the information contained in the medical record and in the document itself must always be truthful and as complete as possible.

In the case mentioned above, veracity cannot be compromised by external factors such as family welfare or funeral home fees. In a request such as the one made, open communication with the family must be maintained. It should be explained that the time of death is the one recorded in the medical record and that this cannot be changed, because if this is done there may be deontological and legal consequences for the professional who manipulates the information. The physician should be sympathetic to the request, but firm in explaining that he/she cannot commit the crime of falsifying a public document.

SGD: ASISA- Lavinia Bioethics and Health Law Committee
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