

The Role of the Coroner in HIV+

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The Coroners and Justice Act 2009
(The Act)

Which cases need reporting?

Will the Coroner accept jurisdiction?

MCCD vs Autopsy

The Inquest

Reporting to the Coroner

The Act does not specify that a doctor must report any particular death to the Coroner BUT you do need to report in the following circumstances:

- Less than 24hrs hospital admission
- Where you are unable to issue the Medical Certificate of the Cause of Death because you have not seen the patient in the last 14 days
- Where the COD is unnatural eg TOL in an HIV+ patient; patient dies in police custody or prison or whilst under MHAct section etc.
- Where death is the result or partly the result of a drug O/D, adverse reaction to medication, anaphylaxis

Some of these scenarios will result in an Inquest with or without an autopsy. Some will result in autopsy only. Others will require you to issue an MCCD so the death can be registered without further Coronial involvement

Medical Certificate of the Cause of Death vs AUTOPSY

If you are the registered medical practitioner in attendance on the patient in his last illness and you can certify the COD to the best of your knowledge and belief you are required by s22 of the Births and Deaths Registration Act to issue the MCCD however if you are aware of your duty to report you should always do so

You may well still be able to issue the MCCD with the Coroner's authority

If the Coroner requires an autopsy it will be to ascertain the COD. It will not be to explore the deceased's HIV status; it will not be for research purposes nor will it be to answer other questions you may have which do not impact directly on the COD

In other words you cannot use the a coronial autopsy for these purposes. The correct course of action will be to seek n.o.k. consent and find funding for a hospital autopsy where you will have the advantage of choosing your Pathologist

If there is to be a Coronial autopsy it is limited in its scope. If extra information is sought you could discuss this with the Coroner who would need to obtain n.o.k. consent for any extra work. In some jurisdictions you may be met with short shrift!

JURISDICTION

If the Coroner accepts jurisdiction it will usually be because there is something other than HIV+ which makes the death unnatural or the COD unknown

If an autopsy reveals a natural COD the Coroner will issue her Form 'B' enabling the Registrar to issue the Death Certificate. There will be no further enquiry.

If the case proceeds to Inquest the HIV status may be irrelevant to the enquiry. If that is so it will not appear in either part of the COD and may well not be referred to at the Inquest

INQUEST CASES

The questions for the Coroner at Inquest are:

Who died (ID)

Where and When did the death occur

HOW (not Why) did the Deceased come by his death

The Coroner will also decide on the medical COD from the evidence before her and will register the death so that the Death Certificate may be issued. This will be done after the Inquest has been concluded