

**LETTER OPINION
2001-L-53**

December 20, 2001

Mr. Earle R. Myers, Jr.
Richland County State's Attorney
413 3rd Ave N
Wahpeton, ND 58075-4420

Dear Mr. Myers:

Thank you for your letter about reporting a death in an ambulance when life support is withdrawn upon order of a physician. The situation you describe involves an emergency medical technician accompanying a patient in an ambulance who withdraws life supporting treatment at the direction (usually by telephone or radio) of a physician. You asked whether the death is an unattended death under suspicious circumstances, or whether the patient is under the care of a physician. You also asked whether the death is reportable by the physician to the coroner pursuant to N.D.C.C. § 11-19.1-07.

The death in the situation you describe is not one under the "suspicious circumstances" listed in N.D.C.C. § 11-19.1-01(5). A physician who directs the withdrawal of life support is "in charge of the patient's care for the illness or condition which resulted in death." See N.D.C.C. § 23-02.1-19(4). Furthermore, the death of a patient in an ambulance while under the care of an emergency medical technician who is in contact with a physician is not a death that occurred "without medical attendance." N.D.C.C. § 23-02.1-19(5). In addition, section 11-19.1-07(1), N.D.C.C., only requires a physician to notify the coroner or a law enforcement officer of a death if the physician knows "that a person died as a result of criminal or violent means, casualty, suicide, accidental death, or died suddenly when in apparent good health in a suspicious or unusual manner." None of these circumstances is present in the question you posed. Consequently, it is my opinion the death under the circumstances you describe is not reportable by the physician to the coroner under N.D.C.C. § 11-19.1-07(1).

Sincerely,

Wayne Stenehjem
Attorney General

tam/vkk