

The loss of a loved one can be the most trying time in our lives. It is even more so when the death involves a doctor, nurse, hospital or other health professional entrusted with the care of your relative or friend. If you believe that your relative or someone close to you has died as the result of medical malpractice, you should consider requesting an autopsy without delay. An autopsy provides important medical information on the cause of death that may be essential when trying to prove death occurred as a result of medical error. Death may occur from negligent injuries or causes not apparent to either your healthcare provider or you. They may include misdiagnosis of infections, bleeding, medication errors or overdoses, anesthesia errors, or surgical errors to name but a few.

The negligent doctor or other health care provider may not want an autopsy. The doctor or health care provider may also assure you that he or she knows the cause of death and that an autopsy is not necessary. You may think the cause is self-evident. When you proceed with your malpractice case you may discover that the health care provider you are suing or a colleague who was sure of the cause of death earlier, is not so sure later or offers some other benign reason for the death. You may discover that the cause of death you thought was so clear before is no longer the case.

The [North Carolina Office of the Chief Medical Examiner](#) has set out guidelines, rules and statutes that can assist you when you need to consider an autopsy. Each county has a medical examiner, authorized by state statute and empowered with the duty of investigating and certifying deaths in certain cases. In medical negligence cases those could be instances of accident, trauma, iatrogenic injury, or unknown, unnatural, or suspicious deaths. It could be deaths associated with poisonings or overdoses, deaths during surgical or anesthetic procedures and death without medical attendance.

An autopsy should be considered when death occurs outside of a hospital or clinical setting, as in instances following discharge from a hospital, emergency department or clinic. An autopsy should be requested in the hospital setting when the death is unexpected or unusual, even if it occurs a long period of care following the suspicious event.

Clearly religious or personal reasons should be considered in the decision to proceed with an autopsy. The need to know the cause of death should be given considerable weight when making the decision. The medical examiner may proceed with an autopsy regardless of survivors' wishes in certain situations.

If you are considering an autopsy, you must act quickly. Here are some recommendations:

If you suspect that the death is the result of medical negligence and an autopsy has not been ordered by the patient's health care provider, ask the provider for one. This may result in a telephone call to the medical examiner to intervene and a medical examiner's autopsy.

If the health care provider refuses to order an autopsy, call the medical examiner's office for assistance. The office may agree to investigate or give you guidance on whether its physicians can proceed with an investigation and autopsy despite the reluctance on the part of the health care provider to order one.

If the medical examiner declines to perform an autopsy ask that the body be released for a hospital or private autopsy.

If the patient's death occurs in a hospital and you suspect medical malpractice is a cause, then ask the hospital administrator and the risk manager for an autopsy. Many times they will authorize it out of a sense of cooperation, even when the medical examiner does not authorize it.

If the doctor or hospital will not assist with obtaining a medical examiner's autopsy, then consider a private one. You can arrange for an unaffiliated medical examiner or pathologist to perform an independent autopsy. However you must be prepared to bear the cost of such a procedure. Costs can vary, so ask about the charge for the procedure. The body may have to be transported to the lab where the autopsy will take place, which could be in another city.

If you are considering an autopsy, do not allow mortuary procedures, such as embalming services, to occur as this can alter the physical evidence you may need.

When the death occurs in a hospital, do not allow the body to be moved from the hospital until arrangements can be made. Most hospitals have morgues where the body can be maintained until final arrangements for the autopsy are completed. If the patient has IVs and internal tubes and devices at the time of death, do not permit those to be removed. Gather up any medicines in the patient's hospital room which may be important proof of negligence.

Should you have any questions or encounter any difficulties, consult an attorney if you have time. If not continue to pursue the autopsy by all available means.

The Office of the Chief Medical Examiner has a set of [guidelines](#) regarding the rules and statutes.