

EEOICPA MEMORANDUM

Date: November 1, 2001

To: District Offices

From: Branch of Policies, Regulations and Procedures

Re: Use of death certificate to establish diagnosis.

This memorandum addresses the use of a death certificate to prove a diagnosis.

Prior to Consideration. The use of a death certificate to prove a diagnosis (mainly of cancer) may be used only after the following procedures have been followed.

Request for Medical Evidence. If after initial examination of a claim, the claims examiner determines that the medical evidence is insufficient, he/she will undertake additional medical development by requesting documentation from the claimant. If the claimant responds that he/she was unable to obtain medical records, the claims examiner should continue further medical development. This should include the following (as applicable): Write the doctors/providers in an attempt to obtain the evidence required; make telephone calls to doctors as well as to any hospitals (the claims examiner should request to speak to an individual in the medical records section and explain the importance of the necessity to obtain some type of valid documentation for this claimant). The claims examiner should request copies of any and all medical records, and reports that may include diagnosis and date of diagnosis, pathology report, doctor's report, lab results, medical payments, hospitalization, surgeries, initial examinations, referrals, etc. Often records have been stored so long ago that records have been misplaced, damaged, lost, or archived. In many instances a hospital may require a fee to retrieve archived records, documents and other information. The claims examiner (EEOIC) will approve the fee for retrieval of records and information within the parameters outlined in procedures [memorandum in this regard forthcoming].

In cases where an autopsy was conducted, the report more often than not will state the cause of death and the length of time that the person had cancer before the person expired. An autopsy procedure will often include tissue samples, thus it is similar to a pathology report, and may be a significant addition to the medical documentation.

Death Certificate. After all attempts to obtain medical records from the claimant (at least one development letter) have been exhausted, and all attempts to obtain viable medical information and medical records from hospitals and doctors have proven unsuccessful, the death certificate, only when signed by a medical doctor/practitioner, will be accepted as reliable evidence of diagnosis of cancer.

Date of Diagnosis. In order to establish a date of diagnosis, we may accept affidavits from those in a position to know the claimant's condition during illness. For example, a spouse, home health nurse, or relative, who provided care to the claimant during the claimant's illness, may provide an affidavit. However, we will not accept affidavits as medical evidence or to establish a medical diagnosis. In the event that we are unable to obtain any other evidence of the date of diagnosis, we may use the date on the death certificate as the date of diagnosis.

SUPERSEDED