



# Department of Health

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**To:** New York State Medical Providers

**From:** New York State Department of Health, Bureau of Vital Records

## **Purpose:**

This document outlines the responsibilities of Medical Certifiers, Medical Examiners, and Coroners when completing the "Manner of Death" and "Cause of Death" sections of a death certificate, specifically in accordance with New York State Public Health Law (PHL) Article 28-F, concerning the provision of Medical Aid in Dying. Accurate and complete reporting is crucial for public health surveillance, vital statistics, and legal purposes.

## **Background:**

Under this new law, a patient who is requesting medication for self-administration must have a confirmed terminal illness or condition. A terminal illness or condition is defined as an incurable and irreversible illness or condition that has been medically confirmed and will, within reasonable medical judgment of the attending physician, produce death within six months regardless of whether treatment is provided. (PHL § 2899-h.)

A patient who requests medication under this article shall not be considered suicidal, and self-administering medication under this article shall not be deemed to be suicide, for any purpose. (PHL § 2899-n.)

The cause of death listed on the death certificate of a person who dies after self-administering medication prescribed to them pursuant to this new law must be the underlying terminal illness or condition. (PHL § 2899-p.)

## **Reporting Requirements:**

The **Manner of Death** listed on a qualified individual's death certificate for a person who dies after self-administering medication under this article must be deemed a "Natural Cause."

The **Cause of Death** entered or recorded shall be the underlying terminal illness or condition and must not include, for example, "suicide," "acute opioid intoxication," or medication overdoses/poisonings used in the medical aid in dying process on the death record.

In the event the Department becomes aware of non-compliance with the PHL § 2899-p requirement, the medical informant will receive a demand letter from the Commissioner of Health directing timely correction of the entry to reflect the underlying terminal illness or condition. Failure to comply will constitute an actionable violation of the Public Health Law, and the Department's response may include the imposition of fines and referral of the medical informant to the Office of Professional Medical Conduct.

For questions related to this guidance, please contact the Bureau of Vital Records, Database Application for Vital Events Unit by email at: [edrs@health.ny.gov](mailto:edrs@health.ny.gov).

For questions related to the NYS Medical Aid in Dying law, please refer to the following website: or contact by email at: [maidinfo@health.ny.gov](mailto:maidinfo@health.ny.gov).