



# Topical Update – The Hong Kong College of Pathologists

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## Editorial note:

In this issue of Topical Update, Dr. Philip BEH takes us through the background and development of autopsy interviews, which are regularly undertaken by hospital anatomical pathologists and forensic pathologists prior to conduction of Coroner's autopsy in Hong Kong. He highlights the challenges that pathologists are facing in handling autopsy interviews and brings up for discussion how autopsy interviews can evolve. We welcome any feedback or suggestions. Please direct them to Dr. Bobby Shum (e-mail: [bsfshum@graduate.hku.hk](mailto:bsfshum@graduate.hku.hk)) of Education Committee, the Hong Kong College of Pathologists. Opinions expressed are those of the authors or named individuals, and are not necessarily those of the Hong Kong College of Pathologists.

## The Autopsy Interview

BEH, SL Philip

Associate Professor (Forensic Pathology), Department of Pathology, Li Ka Shing Faculty of Medicine  
The University of Hong Kong

### Background

The autopsy interview is an anomaly which arose in Hong Kong at a time when the Coroner did not speak the local language and the police officer investigating the death had very little medical knowledge. The hospital anatomical pathologists and forensic pathologists were therefore delegated the task of obtaining medical information from the Cantonese speaking next-of-kin which may be related to the death and providing a written English summary for the Coroner. The legal authority on the decision to autopsy or to waive an autopsy had always rested with the Coroner. However, the practical decisions were effectively

made by the pathologists based on the available medical information or the lack of information.

In the context of this background, the autopsy interview developed in Hong Kong. It was a relatively easy exercise for the pathologist. The next-of-kin of the deceased attended interviews with the pathologist in the presence of a police officer. The pathologist asked for medical history and details of the circumstances of the death. The next-of-kin in the 70's and 80's were told an autopsy was to be performed as it was a legal requirement. In the rare circumstances where a request was made to waive the autopsy, the pathologist had to be convinced of the existence of a probable cause of death. Where none was

evident, the application for waiver was denied and the opportunity to make the written waiver application denied too. The autopsy was again duly ordered by the Coroner on the basis that if the pathologist was unable to provide a cause of death, the cause of death was unknown and had to be established.

In the 90's along with the increased sense of basic human rights, family members were more aware of their rights. Many insisted on making an application for waiver of an autopsy. The applications therefore increased. The successful waivers however did not increase significantly as the Coroner had still relied heavily on the assessment of the interviewing pathologist.

### **The New Coroners Ordinance**

In 1997, prior to the handover many new laws that had been enacted were rushed through LegCo. One of these was the Coroners Ordinance CAP 504. This Coroners Ordinance resulted from a Law Reform Review in the 80's. Many of the proposals for a change in the Coroners System were objected to and discarded. However, the "codification" of reportable deaths was kept. This is now found as the list of 20 reportable circumstances of death in Schedule 2 of Coroners Ordinance CAP 504. This effectively made it an offence to not report a reportable death. The effect was therefore an increase in the numbers of deaths channelled through the Coroner's system.

The increase in reporting meant an increase in autopsy interviews. It also led to an increase in support for waivers of autopsies. This support derived from situations where the death was reported because it was in the Schedule. The cause of death was clear and there was a consensus between the family, the pathologist and the police that the autopsy was unnecessary.

The situation up to this point in the late 90's saw a decline in the number of autopsies ordered. Most pathologists were however comfortable with this dropping autopsy rate as they felt the "list" of reportable deaths included cases which were obvious and the autopsy, particularly, in the face

of opposition from the next-of-kin was superfluous.

The autopsy interview had by then developed into a demanding diplomatic exercise where the pathologist had to establish the reason for the reporting of the death as well as the wishes of the next-of-kin. The written applications for waivers were a routine and the pathologist had to play a much more active role in justifying the need for the autopsy.

### **The Challenges**

Encounter with the next-of-kin during autopsy interview became more and more difficult when it gradually dawned on the next-of-kin that the decision maker was not the pathologist but the Coroner. The next-of-kin now regularly insists on making representation to the Coroner in person. It is also not uncommon that the Coroner would now make decisions that are in contrast to the advice or views of the pathologist.

This situation has led to many pathologists asking the obvious question: why involve the pathologist in this process if the Coroner is prepared to make a decision against the pathologists' professional medical advice? This feeling is often also compounded by the increasing complexity and difficulty of the interview with the next-of-kin.

Young pathologists find it bewildering and disconcerting when they are challenged by the next-of-kin and the Coroner. They sometimes find themselves the subject of a complaint to the hospital and having to explain their actions. The easy outcome was that the pathologist would tend to avoid confrontation with the next-of-kin and often willingly supports waiver of autopsies perhaps even when they were not entirely convinced. Hence the dramatic decrease in autopsy rates.

Ironically, the practice of interviewing next-of-kin by pathologist was not a feature of the Coroners system in the UK or in Australia but is making its appearance now. The interview process is in fact structured to the extent that it is like a consultation.

Often follow-up interviews are scheduled to discuss autopsy findings, etc. In Melbourne and Brisbane now, the pathologist can request post-mortem CT-Scans and make recommendations for waivers to the Coroner based on such results. They can ask for toxicological sampling and or propose limited autopsies, etc. Such options are not regularly practiced in Hong Kong.

### **The Way Forward**

Despite the frustrations of many pathologists, the autopsy interview can serve to assist the pathologist in the subsequent autopsies. If conducted well, the pathologist should be able to gather important and valuable information to help his autopsy and interpretation of findings, and ultimately to make the best conclusion regarding the probable cause of death for a particular case.

The autopsy interview can also be a very useful and helpful process for the next-of-kin if handled with empathy. Next-of-kin are in various stages of bereavement. They need to be helped to understand and pathologists need to be able to explain to them clearly the options available to them and when asked the professional view of the pathologist. The pathologist needs to be independent and evaluates each case on its merits. The pathologist needs to consider the bigger picture of public health needs too, yet guard against the narrow interests of some parties.

The autopsy interview can be a very important exercise where the pathologist demonstrates that the “healing art” is not lost. It is a perfect avenue to demonstrate that we, pathologists, too are capable of healing. Perhaps, it is also time that Hong Kong introduces a Bereavement Service for

the next-of-kin of someone who had just died. The autopsy interview may be a good starting point for the initiation of this service.

### **Some Tips**

Some tips are set out below which can help the young pathologist handle an autopsy interview:-

1. Understand the case.
2. For hospital deaths, discuss with the clinicians BEFORE not after the interview.
3. Allow the next-of-kin to tell you what they know – often you can identify the source of the angst or reasons for the complaint
4. Explain the legal situation and reasons for the reporting.
5. Explain that a death investigation involves the police as well as an autopsy.
6. Ask their views on autopsy
7. Ensure that their wishes to apply for waiver of autopsy are respected.
8. Explain your position to them clearly
9. If they ask to see the Coroner, make appropriate arrangements.
10. It is always good to speak to the Coroner yourself and brief him/her the facts of the case and your view.
11. It is a job, do not take things personal, do what is professional.
12. Remember, the Coroner has the legal authority not the pathologist.