

EXTENSION OF PRIVACY PROTECTION TO DECEASED INDIVIDUALS PROCEDURE

PROCEDURE:

1. The Privacy Official or Designee(s) will record disclosures of PHI pertaining to a deceased individual:
 - 1.1 To law enforcement officials when there is reason to believe that the death may have resulted from criminal conduct. This report will be shared with the BHHF Designated Attorney or Designee(s) if there is indication of BHHF's involvement or liability.
 - 1.2 To coroners or medical examiners.
 - 1.2.1 Affected workforce will be trained in the minimum PHI elements that may be disclosed to the coroner or medical examiner.
 - 1.2.2 This includes information leading to a determination of cause of death or other information required to carry out their other duties as determined by law.
 - 1.3 To funeral directors as needed to carry out their duties consistent with law.
 - 1.3.1 Affected workforce will be trained in the minimum PHI elements that may be disclosed to a funeral director.
 - 1.3.2 If appropriate, affected workforce may disclose PHI prior to, and in reasonable anticipation of, the individual's death.
 - 1.4 When required by law. Disclosures of the PHI of deceased individuals as required by law will be recorded in the same manner as other similar disclosures of PHI that are required by law.

Each of these disclosures may be considered "reportable" if an accounting of PHI disclosures is requested by the decedent's personal representative. See the ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION policy.

2. All regular and recurring disclosures of PHI of deceased individuals will be managed in the same way as all other regular and recurring disclosures of PHI.
3. All other requests for disclosure of PHI of deceased individuals, that is, requests that are not regular and recurring in nature, will be reviewed by the Privacy Official or Designee(s). Such disclosures will be made only in accordance with this and other applicable BHHF policies.
4. When a request for PHI is from the executor, administrator, or other person who has authority to act on behalf of a deceased individual or of the individual's estate, only PHI that is necessary to allow the requestor to fulfill the responsibilities of such personal representation (such as administration of the estate or the affairs of the decedent) may be disclosed.

REFERENCE:

45 CFR §§ 164.502(f), 164.502(g)(4), 164.512(g), 164.512(h)

See also:

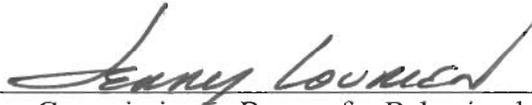
DISCLOSURE OF PROTECTED HEALTH INFORMATION TO PERSONAL REPRESENTATIVES

ACCOUNTING OF DISCLOSURES OF PROTECTED HEALTH INFORMATION

USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR PURPOSES OF RESEARCH

Effective Date: 4/14/03

Revised Dates:



Jerome E. Lovrien, Commissioner, Bureau for Behavioral Health and Health Facilities