

Office of the
County Coroner

(Effective July 15, 2003)

**A CLARIFICATION CONCERNING HIPAA
INVOLVING
HEALTH CARE PROVIDERS, CORONERS,
MEDICAL EXAMINERS AND FUNERAL DIRECTORS**

Dear Health Care Provider:

As we all know, HIPAA (Health Information Portability and Accountability Act) has changed the landscape of health information exchange in a dramatic and confusing way. In order to avoid complaints and reduce the chances of a lawsuit, many physician's offices, clinics, and hospitals have taken to refusing to provide health information to exempted persons, or requiring a court order or subpoena before releasing such records. The intention of the HIPAA regulations is to protect the privacy of such information, but there **are** exemptions that allow coroners, medical examiners, and funeral directors access to these records in order to carry out their duties without interference from HIPAA.

Below you will find the HIPAA exemption that allows you to share health care information with Coroners, Medical Examiners, and Funeral Directors without restrictions. If you wish to confirm this, please refer to your copy of the HIPAA Privacy Rule, Final Standards for Privacy of Individually Identifiable Health Information.

45 CFR 164.512 (g)... Standard: Uses and Disclosures About Decedents

1. Coroners and Medical Examiners. A covered entity may disclose protected health information to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law. A covered entity that also performs the duties of a coroner or medical examiner may use protected health information for the purposes described in this paragraph.

2. Funeral Directors. A covered entity may disclose protected health information to funeral directors, consistent with applicable law, as necessary to carry out their duties with respect to the decedent. If necessary for funeral directors to carry out their duties, the covered entity may disclose the protected health information prior to, and in reasonable anticipation of, the individual's death.

We hope that this clarification will benefit your office in its efforts to abide by the letter and the spirit of HIPAA, and we thank you in allowing continued access to vital health history information of decedents during the course of our death investigations.

If you have further questions please feel free to call our office.

Sincerely;