
Department: UW Medicine Compliance

Subject: PP-16d Use & Disclosure of Protected Health Information (PHI)
Permitted for Decedents

Policy Number: 16d

Established Date: April 10, 2003

Revised Date:

Review Date: October 26, 2006, September 10, 2009

Policy:

This policy described the circumstances under which UW Medicine¹ may use or disclose protected health information (PHI) for decedents² when the purpose of the use or disclosure is not for payment, health care operations nor authorized by the personal representative or legally authorized surrogate decision-maker.

I. Decedents

UW Medicine may disclose PHI about an individual who has died:

- A) 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;
- B) In cases in which UW Medicine performs the duties of a coroner or medical examiner, PHI may be used or disclosed for purposes of identifying a deceased person, determining a cause of death or other duties as authorized by law;
- C) To funeral directors, consistent with applicable law, to carry out their duties with respect to the decedent (including disclosures prior to and in reasonable anticipation of the individual's death); **and**

¹ UW Medicine includes the following entities: University of Washington Medical Center and Clinics; Harborview Medical Center and Clinics; UW Medicine Neighborhood Clinics (University of Washington Physicians Network); UW Physicians Sports Medicine Clinic; UW Physician's Eastside Specialty Center; Hall Health Primary Care Center; and University of Washington Physicians.

² "Decedents" is a term used chiefly in law to describe a deceased person.

- D) To organ procurement organizations engaged in organ procurement, banking, or transplantation of cadaveric organs, eyes, or tissue for the purpose of facilitating the organ, eye, or tissue donation and transplantation.
- E) PHI regarding Decedents: The use for research purposes of PHI about individuals who are no longer alive still requires IRB review and approval. The IRB may require consent from the legally authorized surrogate or may authorize a waiver of consent in accordance with state law RCW 70.02. See UW Medicine Privacy Policy *PP-18 Use & Disclosure of Protected Health Information for Research*.

II. Documentation of Disclosures

UW Medicine will document and retain in electronic or written format a record of all disclosures in accordance with the entity’s record retention policies and procedures. See UW Medicine Privacy Policy: *PP-25 Accounting of Disclosures of Protected Health Information*.

References:

- I. 45 CFR Parts 160 and 164; Section 164.512 – “Uses & Disclosures for Which Consent, Authorization or Opportunity to Agree or Object Is Not Required”.
- II. RCW 70.02.050 – Disclosure Without Patient’s Authorization
- III. RCW 70.24.105 – Disclosure of HIV/STD/AIDS Test or Treatment – Exchange of Medical Information
- IV. RCW 70.58, Vital Statistics
- V. RCW 68.50, Human Remains

UW Privacy Officer: _____ Date: _____
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