

 HAWAII HEALTH SYSTEMS C O R P O R A T I O N "Quality Healthcare For All" POLICY	Department: Quality Through Compliance	Policy No.: CMP 032A
	Issued by: Audit and Compliance Committee	Revision No.: Effective Date: September 19, 2013
Subject: HIPAA Decedents Use and Disclosure	Approved by:  HHSC Board of Directors By: Carol A. VanCamp Its: Secretary/Treasurer	Supersedes Policy:
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Last Reviewed: August 19, 2013. Next Review: August 19, 2016

- I. **PURPOSE:** This Policy delineates the process whereby the Hawaii Health Systems Corporation (HHSC) may disclose protected health information (PHI) about a deceased individual to the medical examiner, police department or funeral director to carry out their duties in accordance with federal, state and/or city and county laws or regulations.
- II. **DEFINITIONS:**
Protected Health Information (PHI) — Any information, identifiable to an individual, including demographic information, whether or not recorded in any form or medium that relates directly or indirectly to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.
- III. **POLICY:**
 - A. Disclosure to the Medical Examiner and Police Department: HHSC shall disclose the PHI of a deceased individual to the appropriate medical examiner and the Police Department for the purposes of identifying the individual and/or determining the cause of death. Immediate notification shall occur when a death occurs:
 1. As a result of violence
 2. As the result of any accident
 3. By suicide
 4. Suddenly when in apparent health
 5. When unattended by a physician
 6. In a suspicious or unusual manner
 7. When in jail or prison, or
 8. Within 24 hours after admission to a hospital or an institution
 - B. Disclosure to Funeral Directors: HHSC may disclose PHI, without a signed authorization, to a funeral director consistent with applicable law as necessary to carry out the funeral director's duties with respect to the decedent. If necessary, PHI may be disclosed to the funeral director prior to, and in reasonable anticipation of, the individual's death.
 - C. Verification: HHSC will verify the identity and authority of the requestor in accordance with HHSC policy on Verification of Identity and Authority of Party Requesting PHI (CMP 0048A) prior to any release of PHI.

- D. Accounting for Disclosures: An accounting of any disclosures or release of PHI under this policy will be made as directed by HHSC policy on Accounting of Disclosures of PHI (CMP 041A).
- E. Disclosure to Medical Examiner (City and County of Honolulu) and Police Department (Chief of Police) for other Hawaii Counties
 - 1. Reporting Procedure: All deaths that meet the mandated criteria for reporting under HRS 841-3, 841-17 shall be reported to the Medical Examiner (ME), County Police Department, (Chief of Police).
 - a) If the cause of death is natural, determine if the individual's attending physician is willing to sign the death certificate prior to notifying the ME office.
 - b) Provide the following information to the ME, if known:
 - i. Name of the individual
 - ii. Age
 - iii. Birthdate
 - iv. Mode and time of arrival
 - v. Past medical history
 - vi. Description of circumstances surrounding death
 - vii. Time of death
 - viii. Name of physician pronouncing death
 - c) If the individual died of natural causes and the attending physician is willing to sign the death certificate, the ME will often want this additional information:
 - i. Individual's address
 - ii. Marital status
 - iii. Racial extraction
 - iv. Birthplace
 - v. Phone number and next of kin
 - vi. Name of physician who has agreed to sign the death certificate
 - d) The ME, based on the provided information, will determine whether to release the body or accept as a ME case.
 - e) If the ME accepts the case, the investigator will come to the HHSC facility to pick up the body.
 - f) If the decedent's family has not been notified of the death by the time the ME arrives to remove the body, inform the ME so that further notification efforts can be coordinated.
- F. HHSC Facilities shall implement policies to operationalize this Policy.

IV. APPLICABILITY: This Policy applies to all HHSC facilities.

V. AUTHORITY: Hawaii Revised Statutes Chapter 841 Inquests, Coroners Standards for Privacy of Individually Identifiable Health Information (HIPAA) CFR 45, Subtitle A, Subchapter C, Section 164.512(g); HRS 841-3, 841-17. CMP 041A.

VI. ATTACHMENTS: None.