

Section 3	Compliance Policies	00/00/03	- Effective
Subject 6.2	HIPAA: Privacy and Disclosure		- Revised
Policy 6.2.16	Use & Disclosure of PHI of Deceased Individuals	Compliance Office	- Reviewed
			- Author

Use & Disclosure of PHI of Deceased Individuals

Audience The information in this document applies to all UTMB faculty, staff, students, volunteers, and any other contractors or agents granted access to Protected Health Information (PHI).

Definitions *Disclosure:* The release, transfer, provision of access to, or divulgence in any other manner, of information to any organization external to UTMB.

Use: With respect to individually identifiable health information, the sharing, employment, application, utilization, examination, or analysis of such information within UTMB.

Policy As a general rule, UTMB personnel shall not disseminate PHI, unless an individual with authority to request the information has requested it, and has obtained a valid authorization from the individual. However, two exceptions to the general policy exist after a patient has expired. These exceptions are:

1. PHI may be used or disclosed to coroners, medical examiners, or funeral directors, and
2. PHI may also be used or disclosed for organ procurement purposes, to organ procurement organizations or similar entities.

Although no authorization is required, these disclosures must be tracked in accordance with IHOP Policy 6.2.29, *Accounting for Disclosures of PHI*.

Coroners and Medical Examiners UTMB may disclose PHI 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. Any UTMB personnel that also perform the duties of a coroner or medical examiner may use PHI for the purposes described in this paragraph.

Funeral Directors UTMB may disclose PHI 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, UTMB may disclose the PHI prior to, and in reasonable anticipation of, the individual's death.

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UTMB HANDBOOK OF OPERATING PROCEDURES

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Use & Disclosure of PHI of Deceased Individuals, Continued

Organ Procurement

UTMB may disclose PHI to organ procurement organizations or other entities engaged in the procurement, banking, or transplantation of cadaver organs, eyes, or tissue for the purpose of facilitating organ, eye or tissue donation and transplantation. See Policy 9.15.3, *Authorization for Organ/Tissue Donations*.

Enforcement

All supervisors are responsible for enforcing this policy. Individuals who violate this policy will be subject to the appropriate and applicable disciplinary process, up to and including termination or dismissal.

References

45 C.F.R. §164.512(g)
45 C.F.R. §164.512(h)
Section 692.00, Health and Safety Code
Section 501.055, Government Code
IHOP Policy 9.15.1, *Disposition of Deceased Patients*
IHOP Policy 9.15.3, *Authorization for Organ/Tissue Donations*
IHOP Policy 9.15.9, *Determination of Death*
Art. 49.25, Texas Code of Criminal Procedure
