**PURPOSE**

To describe the circumstances under which the PHI of a deceased individual may be used or disclosed.

**POLICY**

HIPAA’s Privacy Rule applies to uses and disclosures of PHI for a period of fifty (50) years after the date of an individual’s death. However, the Privacy Rule allows for certain uses and disclosures of a deceased individual’s PHI, including disclosures to coroners, medical examiners, and funeral directors; uses and disclosures for organ, eye and tissue donation; and uses and disclosures for research purposes. Unless a use or disclosure is expressly permitted by the HIPAA Privacy Regulations, [COVERED ENTITY] will protect the confidentiality and privacy of deceased individuals’ PHI to the same extent it is required to protect the confidentiality and privacy of living individuals’ PHI.

**PROCEDURE**

1. Disclosures to Coroners and Medical Examiners. [COVERED ENTITY] may disclose PHI to a coroner or medical examiner for the purpose of identifying a deceased individual, determining a cause of death, or other duties authorized by law.

2. Disclosures to Funeral Directors. [COVERED ENTITY] may disclose to a funeral director a deceased individual’s PHI if necessary to carry out the funeral director’s duties with respect to the deceased individual. [COVERED ENTITY] may disclose to a funeral director a deceased individual’s PHI prior to, and in reasonable anticipation of, an individual’s death if necessary for the funeral director to carry out his or her duties.

3. Use and Disclosure of PHI for Organ, Eye, Tissue, or Cadaver Donation Purposes. [COVERED ENTITY] may use or disclose PHI for/to organ procurement organizations or other entities engaged in the procurement, banking, or transplantation of cadaveric organs, eyes, or tissue for the purpose of facilitating organ, eye, or tissue donation and transplantation.

4. Disclosure to Law Enforcement Officials. [COVERED ENTITY] may disclose a deceased individual’s PHI to a law enforcement official for the purpose of alerting law enforcement of the deceased individual’s death if [COVERED ENTITY] suspects that the death may have been the result of criminal conduct.

5. Disclosure of a Deceased Individual’s PHI for Research. [COVERED ENTITY] may disclose a deceased individual’s PHI to a researcher for research purposes provided it obtains from the researcher (a) a written representation that the use or disclosure is sought solely for research on the PHI of decedents; and (b) a written representation that the PHI is necessary for such research purposes. Upon [COVERED ENTITY]’s request, the researcher must provide documentation of the death of the individual(s) whose PHI is requested.