

ORGANIZATION POLICY

POLICY TITLE: ONSLOW MEMORIAL HOSPITAL DISCLOSURE REGARDING DECEDENTS

POLICY NUMBER: 1309

(1) **AUTHORITY:** This Policy is enacted pursuant to authority delegated to the management of Onslow Memorial Hospital, Inc. (OMH) by its board of directors.

(2) **DEFINITIONS:** Certain terms having specific definitions are used in this Policy, and these terms and definitions are as follows:

- a. Individually identifiable health information means information that is a subset of health information, including demographic information collected from an individual, and:
 - i. Is created or received by a healthcare provider, health plan, employer, or healthcare clearinghouse; and
 - ii. Relates 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; and
 1. That identifies the individual; or
 2. With respect to which there is a reasonable basis to believe the information can be used to identify the individual.
- b. Protected health information means individually identifiable health information:
 - i. Except as provided in paragraph (ii) of this definition, that is:
 1. Transmitted by electronic media;
 2. Maintained in any medium described of *electronic media* at § 162.103; or
 3. Transmitted or maintained in any other form or medium.
 - ii. Protected health information excludes individually identifiable information in:
 1. Education records covered by the Family Educational Right and Privacy Act, as amended, 20 U.S.C. 1232g; and
 2. Records described at 20 U.S.C 1232g(a)(4)(B)(iv).

(3) **APPLICABILITY:** This Policy shall apply to all employees and agents of OMH. This Policy shall become effective when approved and signed by the President and Chief Executive Officer of OMH.

(4) **PURPOSE AND APPLICABLE LAW:** The purpose of this Policy is to establish the Hospital's disclosure regarding decedents.

It is the policy of OMH that if under applicable law, an executor, administrator, or other person has authority to act on behalf of a deceased individual or of the individual's estate, OMH will treat such person as a personal representative of the patient (See HIPAA Procedure: Disclosure of Information to Personal Representatives).

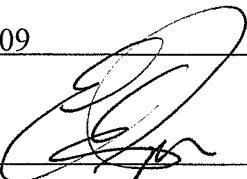
When using or disclosing a deceased patient's protected health information, OMH must make reasonable efforts to limit the information used or disclosed to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request.

PROCEDURE:

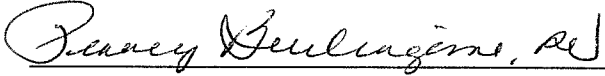
- (1) Prior to releasing the deceased patient's protected health information, OMH shall verify the requesting individual's authority to determine whether the person has the authority, as an executor/administrator, coroner/medical examiner, funeral director, or other authorized person, to act on behalf of the deceased patient or the deceased patient's estate, or to request information about a deceased patient.
- (2) If the requesting individual provides documentation sufficient to ensure that he/she is authorized to receive information regarding a deceased patient, OMH may treat such person as a personal representative of the patient with respect to the protected health information relevant to the personal representation. (See HIPAA Procedure: Disclosures of Information to Personal Representatives).
- (3) The documentation of the requesting individual's authority shall be retained in the Patient's chart for six years.
- (4) If the Requesting Individual is a Coroner or Medical Examiner: OMH may disclose the deceased patient's protected health information for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law.
- (5) If the Requesting Individual is a Funeral Director: OMH may disclose the deceased patient's protection 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, you may disclose the Patient Information prior to, and in reasonable anticipation of, the patient's death.

EFFECTIVE DATE: June 2005

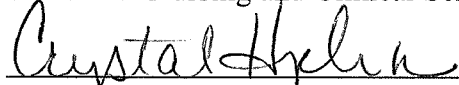
REVISION DATE: January 12, 2009

APPROVED BY: 

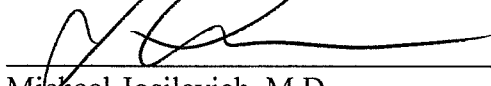
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