

## Coroner and Medical Examiners

The U.S. Department of Health and Human Services has a [HIPAA Privacy Rule Final Rule to Support Reproductive Health Care Privacy: Fact Sheet | HHS.gov](#) explaining the requirements for health care providers to provide decedents' medical records.

*Reproductive health care means health care, as defined in this section, that affects the health of an individual in all matters relating to the reproductive system and to its functions and processes. This definition shall not be construed to set forth a standard of care for or regulate what constitutes clinically appropriate reproductive health care. 45 CFR 160.103 Definitions.*

The regulation is not gender specific. Since medications and other statements in a record may be related to all matters relating to the reproductive system and its functions and processes, an attestation is needed for a coroner/medical examiner request.

A valid attestation document meeting the requirements of 45 CFR 164.509 must be submitted. The coroner/medical examiner must complete the attestation as stated in 45 CFR 164.509(c).

45 CFR 164.509 Uses and disclosures for which an attestation is required.

- (a) Standard: Attestations for certain uses and disclosures of protected health information to persons other than covered entities or business associates. (1) A covered entity or business associate may not use or disclose protected health information potentially related to reproductive health care for purposes specified in § 164.512(d), (e), (f), or (g)(1), without obtaining an attestation that is valid under paragraph (b)(1) of this section from the person requesting the use or disclosure and complying with all applicable conditions of this part. (2) A covered entity or business associate that uses or discloses protected health information potentially related to reproductive health care for purposes specified in § 164.512(d), (e), (f), or (g)(1), in reliance on an attestation that is defective under paragraph (b)(2) of this section, is not in compliance with this section.

Coroner/medical examiner access is addressed in 45 CFR 164.512(g)(1) Uses and disclosures for which an authorization or opportunity to agree or object is not required. *(g) Standard: Uses and disclosures about decedents. (1) Coroners and medical examiners.* A covered entity may disclose protected health information 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. A covered entity that also performs the duties of a coroner or medical examiner may use protected health information for the purposes described in this paragraph.

Consider consulting with your County Corporation Counsel.