

Health Information Compliance Alert

Reader Questions: Don't Deny Access to Your Deceased Patients' PHI

Question: The family of a recently deceased patient wants access to the patient's entire medical file. Is this a permissible disclosure?

New Mexico subscriber

Answer: That depends, says **David Patino**, clinic manager with Physical Therapy Services of Morristown, NJ. Usually the patient will specify a personal representative, but that may not be the case.

"Immediate family are authorized to obtain a deceased patient's PHI 90 percent of the time without knowing it" because they were involved in the patient's treatment, he notes. First step: Determine how extensively the requestor was involved in your patient's care.

Caution: Your deceased patient's family probably doesn't need the entire file, Patino points out. Rather than giving them all the information, filter out any extra-sensitive data that you know is unnecessary. For example, you should leave out mental health notes, AIDS/HIV data or demographic information like the patient's Social Security number or other sensitive identity information.

The Bottom Line: The privacy rule does allow you to share your deceased patients' PHI with their families. But, before you hand over your patients' files, make sure the requestors fit the requirements for access to the information.