

Health Information Compliance Alert

READER QUESTIONS: DON'T DISCLOSE PATIENTS' PHI TO FUNERAL HOMES

Question: We often share pertinent information with funeral home directors so they can complete the death certificate, and for proper embalming and final disposition. Should we ask the funeral homes to sign a business associate agreement (BAA)?

California subscriber

Answer: "No, the funeral home isn't doing anything for the hospital," stresses **Barry Herrin**, an attorney with Smith Moore in Atlanta.

BAAs are used when entities are performing a function on behalf of a covered entity. "Funeral homes never do anything for the covered entity, they work for the family of the deceased patient," Herrin explains.

The Bottom Line: Before your organization discloses any information a'bout the deceased patient, be sure to obtain the permission of whoever is authorized to make decisions for the patient, whether that's the next of kin, personal representative or executor of the patient's will, Herrin says.