HIPAA Policy Update – Deceased Individuals

Good afternoon, Health Care Components:
Please be advised that the HIPAA "Personal Representatives" policy has been updated to reflect a change in Oklahoma law that was effective on November 1. Specifically, the section of the policy pertaining to the personal representatives of deceased individuals, pasted in below, was changed and now permits certain individuals to obtain the deceased's PHI if no executor or administrator has been appointed. If you have any policies or directives in your HCC pertaining to the release of a deceased individual's PHI, please review them in light of this update. I would be happy to review them as well to ensure they are in compliance with HIPAA**.**

Deceased Individuals
If under applicable law, there is an executor, administrator, or other person having authority to act on behalf of a deceased individual or of the individual's estate, that individual must be treated as the personal representative of the deceased, with respect to PHI. The court document appointing the individual as an executor or administrator is known as the Letters Testamentary or Letters of Administration and should be signed by a judge. Under Oklahoma law, the following individuals have authority to act as a personal representative if there is no executor or administrator appointed: the spouse of the deceased or, if no spouse, any responsible family member of the deceased. A responsible family member is a parent, adult child, adult sibling, or other adult relative of the deceased who was actively involved in providing or monitoring the care of the deceased, as verified by the doctor, hospital, or other medical institute that was responsible for providing care and treatment of the deceased.