

**HIPAA Privacy Policy #25
Uses and Disclosures of Protected Health Information
Without Patient Authorization
to Funeral Directors and Coroners and for Organ Transplants**

Effective Date: January 22, 2020	Refer to Privacy Rule Sections: 164.502; 164.512; 164.514; 164.528; 164.530
Authorized by: Equinox Board of Directors	Version #:

Policy: Equinox, Inc. may use and disclose Protected Health Information to funeral directors and coroners and for organ donation purposes without a patient’s written Authorization according to the Procedures listed below.

Procedures:

1. Deceased Patients:

- a. Records of Deceased Patients: Equinox, Inc. must treat the Protected Health Information of a deceased patient according to the same rules, policies and procedures that apply to all Protected Health Information. *45 C.F.R. § 164.502(f).*
- b. Disclosures to Funeral Directors: Equinox, Inc. may disclose Protected Health Information of a deceased patient to a funeral director as necessary to carry out his or her duties. *45 C.F.R. § 164.512(g)(2).*
- c. Disclosures to Coroners or Medical Examiners: Equinox, Inc. may disclose Protected Health Information of a deceased patient to a Coroner or Medical Examiner in response to a written request involving a case in which the Coroner or Medical Examiner has jurisdiction. Coroners and Medical Examiners have jurisdiction to investigate the death of anyone in their county, which is or appears to be:
 - i. a violent death (including criminal violence, suicide or casualty);
 - ii. a death caused by an unlawful act or criminal neglect;
 - iii. a death occurring in a suspicious, unusual or unexplained manner;
 - iv. a death caused by suspected criminal abortion;
 - v. a death while unattended by a physician or where no physician is able to certify the cause of death;
 - vi. a death of a person confined in a public institution other than a hospital, infirmary or nursing home.

45 C.F.R. § 164.512(g)(1); N.Y. County Law §673.

If the Coroner or Medical Examiner is investigating a death that does not reasonably fit within one of the above categories, Equinox, Inc. may not disclose Protected Health Information unless the Medical Examiner or Coroner issues a valid subpoena.

2. Organ Donation: Equinox, Inc. may use and disclose Protected Health Information to entities engaged in the procurement, banking or transplantation of human organs, eyes or tissue for the purpose of facilitating organ, eye or tissue donation and transplantation. *45 C.F.R. § 164.512(h); N.Y. Public Health Law § 2782(1)(e).*
3. Minimum Necessary: When making a disclosure pursuant to this Policy, Equinox, Inc. may only disclose the minimum amount of information necessary for the purpose of the disclosure. (*See Equinox, Inc.’s Policy No. 7 entitled “Minimum Necessary Uses, Disclosures and Requests of Protected Health Information.”*) *45 C.F.R. § 164.514(d)(3)(i).*
4. Log of Disclosures: Equinox, Inc. is required to log disclosures made pursuant to this Policy in the patient’s Log for Accounting of Disclosures (*See Equinox Inc.’s Policy No. 32 entitled “Accounting of Disclosures. 45 C.F.R. § 164.528(a); N.Y. Public Health Law § 18(6).*
5. Special Protection for Highly Sensitive Protected Health Information: In accordance with certain Federal and New York State laws, Equinox, Inc. must provide greater privacy protections to highly sensitive Protected Health Information, which includes information that relates to HIV, Mental Health, Psychotherapy Notes, Alcohol and Substance Abuse Treatment, and Genetics. The Privacy Officer, and legal counsel when appropriate, should be consulted prior to the disclosure of such information. *See Equinox, Inc.’s Policy No. 14 entitled “Uses and Disclosures of Highly Sensitive Protected Health Information.”*