



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

To whom it may concern,

In California, each county has a coroner, who is required by State law to determine the circumstances, manner and cause of deaths occurring under wide range of circumstances in his/her county. Under this law (California Government Code section 27491) it would be a misdemeanor for a health care provider not to report such deaths to the coroner.

45 CFR Section 164.512(g) (part of the federal regulations implementing HIPAA), addresses circumstances in which protected health information may be disclosed without authorization. It provides in pertinent part:

“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.”

In addition, the State law pertaining to disclosures of confidential medical information requires (in some instances) and authorizes (in other instances) health care providers to disclose (in either written or verbal form) to coroners medical information about decedents without written authorizations from the decedents' personal representatives. Subdivision (b) California Civil Code section 56.10 provides in pertinent part as follows:

“(b) A provider of health care ... shall disclose medical information if the disclosure is compelled by any of the following:

(8) By a coroner, when requested in the course of an investigation by the coroner's office for the purpose of identifying the decedent or locating next of kin, or when investigating deaths that may involve public health concerns, organ or tissue donation, child abuse, elder abuse, suicides, poisonings, accidents, sudden infant death, suspicious deaths, unknown deaths, or criminal deaths, or when otherwise authorized by the decedent's representative. Medical information requested by the coroner under this paragraph shall be limited to information regarding the patient who is the decedent and who is the subject of the investigation and shall be disclosed to the coroner without delay upon request.”

Subdivision (c) of the same Civil Code provision provides in pertinent part,

“(c) A provider of health care ... may disclose medical information as follows: ...

(6) The information may be disclosed to the county coroner in the course of an investigation by the coroner's office when requested for all purposes not included in paragraph (8) of subdivision (b).”

We hope this information will assist you in explaining the Orange County Coroner's position. Thank you for your continued cooperation.

Sincerely,

Orange County Sheriff-Coroner

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