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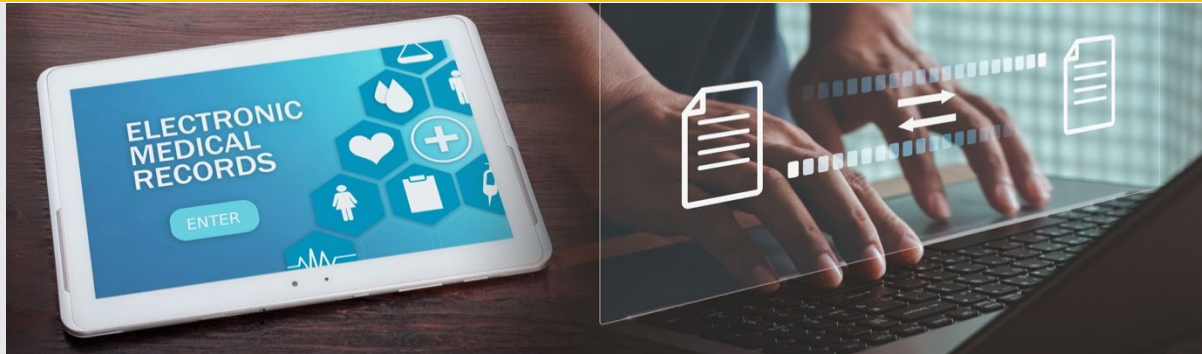
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White Paper

Electronic Medical Records in Medicolegal Death Investigation

Overview

Medicolegal death investigation offices^a respond to unnatural, unexpected, and suspicious deaths that require timely, 24/7 access to comprehensive and accurate medical records. Medical history guides decisions on case jurisdiction, disposition, identification, and cause and manner of death determination. This information ultimately helps survivors, families, and communities, and guides health, safety, and justice efforts.

Advantages/Benefits

Timely and direct access to web-based, electronic medical records provides many benefits to medicolegal death investigation offices and medical records departments alike.

Medical records departments can eliminate the following:

- Unnecessary staff time spent responding to and manually preparing requested records.
- Wasted resources (e.g., printer ink, reams of paper).
- Risk of sending records to incorrect addresses or fax machines.

Medicolegal death investigation offices are also aided in their responsibilities to ensure:

- Prompt and accurate determination of jurisdiction and disposition (e.g., release of body, autopsy, external examination, toxicology, cremation permits).
- Prompt and accurate identification of next-of-kin and healthcare providers, including associated contact information.
- Prompt and accurate access to medical history, which is often essential for cause of death determination (disease or injury), manner of death (circumstances), and identity (through comparison of antemortem radiographs and surgical implants).
- Adequate preparation and triage for scene investigations.
- Enhanced ability to recognize potential public health threats.
- Prompt and informed communication with organ/tissue donor organizations.

^a Medicolegal death investigation offices include medical examiner, coroner, and justice of the peace offices.



Recommendations

Medical records departments should consider the following:

- Be aware that medicolegal death investigation offices are granted a HIPAA exception in 45 CFR 164.512g² and are entitled to these records.
- Allow web-based, electronic access to medicolegal death investigation offices in their communities to enhance the timely and accurate completion of this important public health and safety function and to save time, money, and resources.
- Require completion of any necessary security clearance, agreement for use of electronic medical records access, and use of audit trails as appropriate.

In turn, medicolegal death investigation offices should:

- Initiate the steps needed to obtain electronic access to medical records. Some medical systems use an online application process and require contacting a Coordinator/Office of Information Security.
- Create policy and procedures clarifying allowable access, security measures, and confidentiality.
- Offer to complete any necessary security clearance as required by the granting agency and agree to the use of audit trails.
- Seek endorsement from their hospital pathology colleagues and tissue or organ recovery organizations, especially if encountering resistance to electronic medical record access.
- Use formal letterhead or formatting on requests sent from a consistent and official email or fax number and reference the HIPAA exception in 45 CFR 164.512g.
- Join efforts to propose new legislation to grant medical records access or contact the Commissioner of the State Health Department for assistance to clarify the expectations for prompt and unrestricted access to medical records. Example legislative requests are provided in the [General Provider Resources: Medical Records for Medicolegal Death Investigations Toolkit](#).

Additional Resources

1. Weedn, V. W. (2022). HIPAA and access to medical information by medical examiner and coroner offices. *Academic Forensic Pathology*, 12(3), 83–89. <https://doi.org/10.1177/19253621221102039>.
2. Croom, N. A., & Melinek, J. (2016). Dissecting and streamlining the medical record acquisition process in death investigation systems. *Academic Forensic Pathology*, 6(4), 679–690. <https://doi.org/10.23907/2016.064>.

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² 45 CFR § 164.512 - Uses and disclosures for which an authorization or opportunity to agree or object is not required. [65 FR 82802, Dec. 28, 2000, as amended at 67 FR 53270, Aug. 14, 2002; 78 FR 5699, Jan. 25, 2013; 78 FR 34266, June 7, 2013; 81 FR 395, Jan. 6, 2016]. CFR States in (g) Standard: "Uses and disclosures about decedents—(1) Coroners and medical examiners. 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. A covered entity that also performs the duties of a coroner or medical examiner may use protected health information for the purposes described in this paragraph". <https://www.govinfo.gov/app/details/CFR-2017-title45-vol1/CFR-2017-title45-vol1-sec164-512>.