

# **SPOKANE COUNTY MEDICAL EXAMINER'S OFFICE**

## **Statement of Policy, Procedure and Practice**

**Policy Title:      CONFIDENTIALITY**

**Policy:**

All records and reports of postmortem examinations or autopsies and all types of information contained within the records, photographs, and reports (this means all death investigation case information) are confidential by law and will only be disclosed or discussed under limited specified conditions as allowed by law and as indicated by specific Medical Examiner office policies.

**Procedures and Practices:**

All Medical Examiner death investigation case information and all related records and reports are to be kept confidential except as exempted in the following sections or as indicated in other Medical Examiner Office policies. In general, do not discuss case information except on a need-to-know basis among Medical Examiner staff members or with individuals in an exempt category listed below. Case information should not be accessed or viewed from outside the office unless there is a clear work-related reason to do so.

Medical Examiner staff may not access medical records belonging to living people, (including themselves), their own family members, or records of other employees or acquaintances. This is a violation of Federal law.

RCW 68.50.105 is printed on the cover page of each autopsy report with an admonishment that the autopsy documents are highly confidential.

**Exceptions:**

Under Washington State law the following persons may examine and obtain copies of the autopsy report:

- **The personal representative of the decedent as defined in RCW 11.02.005**
- **Any family member \***
- **The attending physician**
- **Attending Advanced Registered Nurse Practitioner**
- **The prosecuting attorney or law enforcement agencies having jurisdiction**
- **Public health officials**
- **The Department of Labor and Industries in cases in which it has an interest under RCW 68.50.103**

- **The Secretary of the Department of Social and Health Services or his or her designee in cases being reviewed under RCW 74.13.640**

Cases may be discussed with individuals in one of these exempt categories.

\* For the purposes of this section, the term "family" means the surviving spouse, registered domestic partner, or any child, parent, grandparent, grandchild, brother, or sister of the decedent, or any person who had guardianship of the decedent at the time of death.

Staff members of the Spokane Health District and the U.S. Consumer Product Safety Commission are included in the category of public health officials.

Government agencies do not automatically qualify as an exception to the confidentiality law. Case information other than that which is available to the general public should not be discussed and reports should not be given out to an agency unless the agency falls under one of the specific exception categories or has clearance by Spokane County legal counsel.

If in doubt, do not discuss case information or release copies of records or reports and defer to the Medical Examiner.

- Prior to 2021, information on the death certificate was considered public record. Effective January 1, 2021, vital records restricted access to the death certificate to qualified individuals (RCW 70.58). On the same date, a modification to RCW 68.50.300 became law: Section (3) "The county coroner, medical examiner, or prosecuting attorney having jurisdiction may release information contained in a report of death, as defined in chapter 70.58A RCW, to the media and general public." "Report" means the death record or death certificate. In practice, given this statute, the Spokane County Medical Examiner's Office still releases the name of the decedent, place of death, age, and cause and manner of death.
- Case information may be discussed or copies of records or reports provided to requesting individuals or organizations with written permission of the family of the deceased.
- Case information may be discussed or copies of records provided at the direction or with the authorization of the prosecuting attorney having jurisdiction.
- Case information may be discussed, records or reports produced, or copies of records or reports provided, as directed by Superior or Federal Court proceedings or under court order.

- Information about an unidentified deceased person may be released to the public at the discretion of the Chief or Deputy Medical Examiner in order to aid in the identification of the individual (as provided by State RCW.)
- Funeral home employees are entitled to information from the death certificate, and indeed enter most of the death certificate data. All bodies are potentially infectious and require standard precautions. No infection or autopsy information can be provided to funeral homes. As a practical matter, the height and weight of the decedent and general body preservation state can be provided to funeral homes, if requested, to allow for family to choose caskets and/or make cremation decisions.
- Changes in Washington State law may allow one of the Medical Examiners to discuss findings in law enforcement involved deaths (See RCW 68.50.105 below)

Each staff member is required to sign an acknowledgment form concerning confidentiality at the time of initial employment and again following any update to this policy. Resident physicians and medical students are considered temporary Medical Examiner staff members and are required to sign the acknowledgment form.

### **Requesting autopsy reports, complete case files and/or photographs**

Per RCW 68.50.105, individuals as defined by law can obtain autopsy reports, complete case files and copies of scene and autopsy photographs. The Medical Examiner's Office has a fee schedule for these items. As the case file and photographs are highly confidential and graphic, those individuals are required to sign a form acknowledging their receipt of RCW 68.50.105, confirming that they are a direct family member as defined in the RCW, and to provide their photo identification, either in person, or for mail requests by mailing a copy in – in the case of mailed requests, RCW 68.50.105 must be sent to the requesting party by fax, email, or regular mail with the required forms and fee schedule. No request for autopsy report, entire case file, or copy of case photographs will be processed until all necessary forms and fees are received to verify receipt and to record that they understand the graphic nature of the photographs and to hold the Medical Examiner's Office harmless.

Attorney's office seeking documents with permission from clients who are eligible under 68.50.105, are not required to sign at the time of document release

### **References:**

RCW 68.50.105

Autopsies, postmortems—Reports and records confidential—Exceptions.

\*\*\* CHANGE IN 2019 \*\*\* (SEE 5955-S.SL) \*\*\*

(1) Reports and records of autopsies or postmortems shall be confidential, except that the following persons may examine and obtain copies of any such report or record: The personal representative of the decedent as defined in RCW 11.02.005, any family member, the attending physician or advanced registered nurse practitioner, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, the department of labor and industries in cases in which it has an interest under RCW 68.50.103, or the secretary of the department of social and health services or his or her designee in cases being reviewed under RCW 74.13.640.

(2)(a) Notwithstanding the restrictions contained in this section regarding the dissemination of records and reports of autopsies or postmortems, nor the exemptions referenced under RCW 42.56.240(1), nothing in this chapter prohibits a coroner, medical examiner, or his or her designee, from publicly discussing his or her findings as to any death subject to the jurisdiction of his or her office where actions of a law enforcement officer or corrections officer have been determined to be a proximate cause of the death, except as provided in (b) of this subsection.

(b) A coroner, medical examiner, or his or her designee may not publicly discuss his or her findings outside of formal court or inquest proceedings if there is a pending or active criminal investigation, or a criminal or civil action, concerning a death that has commenced prior to January 1, 2014.

(3) The coroner, the medical examiner, or the attending physician shall, upon request, meet with the family of the decedent to discuss the findings of the autopsy or postmortem. For the purposes of this section, the term "family" means the surviving spouse, state registered domestic partner, or any child, parent, grandparent, grandchild, brother, or sister of the decedent, or any person who was guardian of the decedent at the time of death.

[ 2013 c 295 § 1; 2011 c 61 § 1. Prior: 2007 c 439 § 1; 2007 c 156 § 23; 1987 c 331 § 58; 1985 c 300 § 1; 1977 c 79 § 2; 1953 c 188 § 9. Formerly RCW 68.08.105.]

NOTES:

**Effective date—2013 c 295:** See note following RCW 68.50.115.

RCW 68.50.300

Release of information concerning a death. **(New Version Effective January 1, 2021.)**

(1) The county coroner, medical examiner, or prosecuting attorney having jurisdiction may in such official's discretion release information concerning a person's death to the media and general public, in order to aid in identifying the deceased, when the identity of the deceased is unknown to the official and when he or she does not know the information to be readily available through other sources.

(2) The county coroner, medical examiner, or prosecuting attorney may withhold any information which directly or indirectly identifies a decedent until either:

CONFIDENTIALITY

PAGE 5

(a) A notification period of forty-eight hours has elapsed after identification of the decedent by such official; or

(b) The next of kin of the decedent has been notified.

During the forty-eight hour notification period, such official shall make a good faith attempt to locate and notify the next of kin of the decedent.

(3) The county coroner, medical examiner, or prosecuting attorney having jurisdiction may release information contained in a report of death, as defined in chapter 70.58A RCW, to the media and general public.

Per 70.58A “report” means an electronic or paper document containing information related to a vital life event for purpose of registering the vital life event.

The statute refers to the “death certificate” as a “death record” and would be the report described above.

[ 2012 c 117 § 318; 1981 c 176 § 2. Formerly RCW 68.08.320.]

_____ Veena Singh, M.D. Chief Medical Examiner	_____ Date
--	---------------

_____ Sean Ricciardo, M.D. Deputy Medical Examiner	_____ Date
--	---------------

_____ Makinzie Mott, M.D. Deputy Medical Examiner	_____ Date
---	---------------

_____ Reba Cherian, D.O. Deputy Medical Examiner	_____ Date
--	---------------

**Implemented:** Jan 2003

**Revised:** Feb 2008; Feb 2010; July 2012; July 2013; August 2015; July 2017; August 2019; August 2021; December 2022

**Computer File Name:** Confidentiality