

Medical Records

1126.1 PURPOSE AND SCOPE

As a component of the death investigation, it is often necessary to evaluate a decedent's medical and/or psychological records from physicians or medical facilities where a decedent was treated prior to death. California Civil Code section 56.10(b)8 provides the Coroner with legal authority to obtain such medical information. This policy establishes rules and guidelines for the review and handling of a decedent's confidential medical records.

1126.2 AUTHORITY TO REQUEST RECORDS

A copy of the decedent's medical and/or psychological records may be requested from the health care provider(s) at the discretion of the handling Deputy Coroner, or upon request by a Supervising Deputy Coroner, member of Coroner Division management, or the contract pathologist.

1126.3 OBTAINING RECORDS

Medical and/or psychological records shall be obtained in the following manner:

- (a) Written request, using the appropriate Coroner Division medical records request form.
 - 1. Written request shall be the preferred method of obtaining records.
- (b) Written consent from the decedent's next-of-kin in control of the remains.
- (c) Subpoena
 - 1. Issuance of a subpoena for medical or psychological records shall be approved by the Coroner Division Commander.

1126.4 CONFIDENTIALITY

Medical and psychological records obtained by any member of the Coroner Division shall be treated as confidential and may not be reproduced or made available to any person other than as provided for in Government Code section 27491.1 or Civil Code section 56.13.

1126.5 SUMMARIZATION

Any information obtained from a decedent's medical or psychological records that is used to assist in the establishment of identification, cause or manner of death, or notification of next-of-kin, shall be summarized by the Deputy Coroner in the Coroner Investigator (CI) report.

1126.6 DISCARDING RECORDS

All copies of medical and psychological records, including digital copies, shall be discarded by the Supervising Deputy Coroner at the time of case closure.

- (a) Any medical or psychological records with evidentiary value are exempt from discard, and instead shall be booked as evidence in accordance with Coroner Division Policy 1100.