

Protected Health Information of Decedents

Decedents are not considered human research subjects; however, the Woman's Institutional Review Board (IRB) requires review of decedent research studies if information will be collected or used to contact living individuals. If this occurs, these living individuals would be considered human research subjects. In addition, the HIPAA Privacy Rule protects the individually identifiable health information about a decedent for 50 years following the date of death of the individual.

Investigators will need to submit an Accounting of Disclosures form prior to engaging in research with the protected health information (PHI) of decedents. In order to gain access to the PHI maintained by a covered entity, investigators will need to demonstrate:

1. Use or disclosure sought is solely for research on the PHI of decedents;
2. Adequate documentation of the death of such individuals; and
3. PHI for which use or disclosure is sought is necessary for the purposes of the proposed research.

For further guidance:

<https://www.hhs.gov/hipaa/for-professionals/faq/decedents/index.html>