



Use Case: Access for Investigation of Certain Deaths

Overview

The West Virginia Office of the Chief Medical Examiner (the “OCME”), through the Chief Medical Examiner or its designee (hereafter referred to as the “Medical Examiner Official”) is authorized by West Virginia law pursuant to W. Va. Code § 61-12-8 *et seq.* and W. Va. C.S.R. §§ 64-84-6, 8.2 *et seq.* to investigate the cause or manner of death upon certain prescribed circumstances (hereafter “Investigations”). The West Virginia Health Information Network (the “WVHIN”) desires to make its clinical data available to the Medical Examiner Official for the limited purpose of aiding in such Investigations.

Technical Design

Technical capability exists to implement this Public Use Case.

Public Health Use Case Description

West Virginia law affords the Office of the Chief Medical Examiner (OCME) and its authorized officials the ability to obtain and review medical records to conduct Investigations. W. Va. Code § 61-12-8(a); *see also* W. Va. C.S.R. §§ 64-84-8.2.i. Specifically, OCME’s authorized Medical Examiner Official (“Authorized Users”) may obtain and review medical records of a person suspected to be deceased for the purposes of identification of a body; or when review of medical records of a deceased person might help determine the cause or manner of death, or answer any material question during an investigation of a death. *Id.* In addition, the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) permits the disclosure of protected health information (“PHI”) to a coroner or medical examiner for the purposes of identifying a deceased person, determining a cause of death, or conducting other duties as authorized by law. *See* 45 C.F.R. § 164.512(g)(1). Furthermore, access to PHI for public health activities is permitted by a public health authority for review and investigation of vital events such as deaths pursuant to 45 C.F.R. 164.512 (b)(1) and the OCME within the Bureau for Public Health is charged with conducting such Investigations for a public health purpose.

Medical Examiner Official spends considerable time and effort collecting health information from disparate sources when conducting Investigations. Providing Medical Examiner Official with access to the WVHIN’s Portal will improve the efficiency of Investigations for the Medical Examiner Official and health record custodians alike. This Public Health Use Case will therefore promote the efficiency and accessibility of pertinent health information to be used during

Investigations and will serve to improve the Investigation process and its outcomes. This result furthers the mission of the OCME by aiding the Investigation of deaths attributable to diseases or environmental conditions which might constitute a threat to public health or safety, as well as other unusual or unnatural deaths, in accordance with W. Va. Code § 61-12-8(a) and W. Va. C.S.R. § 64-84-6.1. *et seq.*

Notwithstanding the foregoing, the WVHIN shall not provide any information as part of this Public Health Use Case if prohibited by applicable federal or state law (including, but not limited to, 42 C.F.R. Part 2). In addition, unless required by law, this Public Health Use Case shall not be construed as an obligation for the WVHIN to provide any information pursuant to a request by the OCME or its Authorized Users, and any such response and its contents (if any) shall be made by the WVHIN in its sole discretion.

Opt-Out Applicability

Any patient that opts out of WVHIN will not have their data made available in the ULP.

Eligible Participants

The West Virginia Office of the Chief Medical Examiner and its Authorized Users.

Approval

This Public Health Use Case Policy (Policy) will become effective upon the date all of the following have been effectuated: approval from the WVHIN Clinical Committee, its Board of Directors, and applicable notice to WVHIN participants about this Policy.