

AMA Code of Medical Ethics

3.2.2 Confidentiality Post Mortem

In general, patients are entitled to the same respect for the confidentiality of their personal information after death as they were in life. Physicians have a corresponding obligation to protect patient information, including information obtained post mortem. However, the obligation to safeguard confidentiality post mortem is subject to certain exceptions that are ethically and legally justifiable because of overriding societal concerns.

Physicians may disclose autopsy results to the surrogate or other decision maker who gave consent for the procedure.

Otherwise, physicians may disclose a deceased patient's personal health information only:

- (a) In accord with the patient's explicit prior consent or directive. Physicians should respect the individual's specific preferences regarding disclosure.
- (b) When required by law.
- (c) When in the physician's judgment disclosure will avert harm to, or benefit, identifiable individuals or the community.
- (d) For purposes of medical research or education if personal identifiers have been removed.

In all circumstances, physicians should:

- (e) Consider the effect disclosure is likely to have on the patient's reputation.
- (f) Restrict disclosure to the minimum necessary information.

When disclosing a deceased patient's health information would result in personal gain for the physician (financial or otherwise), the physician must seek specific consent to the disclosure from the patient's authorized decision maker.

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