



**SOP: Use and Disclosure of Decedents' PHI for  
Research Purposes**

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## **PURPOSE**

To define procedures necessary for use or disclosure of decedents' Protected Health Information (PHI) for research.

## **REVISIONS FROM PREVIOUS VERSION**

1. Effective date: 8/22/2003
2. Revision #1 date: 6/12/2014
3. Revision #2 date: 5/6/2020

## **SCOPE**

This procedure applies to all investigators who use decedents' PHI for research purposes and to health care providers who are part of a University of South Florida (USF) covered component who disclose decedents' PHI for research.

## **RESPONSIBILITIES**

All investigators must follow the procedures stated herein. Prior to giving access to PHI, USF health care providers must ensure that an Investigator has followed the procedures stated herein.

## **PROCEDURES**

The Investigator must submit to the USF HIPAA Research Privacy Officer the "Use of Decedents' Protected Health Information" form prior to use and disclosure of decedents' PHI. This form is available on the HIPAA Research Compliance Program website.

The written representations in the form must include the statements:

- That use or disclosure is sought solely for research on the PHI of decedents;
- That the subject of the PHI is actually deceased (*must be willing to submit documentation to establish this fact*); and
- Representation that the PHI for which use or disclosure is sought is necessary for the research purposes.

The HIPAA Research Privacy Officer will verify that the Investigator's written representations are in compliance with this SOP.



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Notwithstanding any other provision in this SOP, psychotherapy notes for decedents may not be used or disclosed without an authorization signed by the decedent subject's legally authorized representative and must include a description of such individual's authority to act for the decedent.

**REFERENCES**

45 CFR 164.512(i)(1)(iii)

Form: Use of Decedents' Protected Health Information