

# ORGAN PROCUREMENT ORGANIZATION DISCLOSURE UNDER HIPAA

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DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Office of the Secretary  
45 CFR Parts 160 through 164  
Rin: 0991-AB08

Standards for Privacy of Individually Identifiable Health Information

AGENCY: Office of the Assistant Secretary for Planning and Evaluation, DHHS

ACTION: Final rule.

SUMMARY: This rule includes standards to protect the privacy of individually identifiable health information. The rules below, which apply to health plans, health care clearinghouses, and certain health care providers, present standards with respect to the rights of individuals who are the subjects of this information, procedures for the exercise of those rights, and the authorized and required uses and disclosures of this information.

## **§ 164.512 Uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required.**

A covered entity may use or disclose protected health information without the written consent or authorization of the individual as described in §§ 164.506 and 164.508, respectively, or the opportunity for the individual to agree or object as described in § 164.510, in the situations covered by this section, subject to the applicable requirements in this section. When the covered entity is required by this section to inform the individual of, or when the individual may agree to, a use or disclosure permitted by this section, the covered entity's information and the individual's agreement may be given orally.

(a)...(b)...(c)...(d)...(e)...(f)...

(g) **Standard: uses and disclosures about decedents.** (1) **Coroners and medical examiners.** A covered entity may disclose protected health information to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death or other duties as authorized by law. A covered entity that also performs the duties of a coroner or medical examiner may use protected health information for the purposes described in this paragraph. (2) **Funeral directors.** A covered entity may disclose protected health information to funeral directors, consistent with applicable law, as necessary to carry out their duties with respect to the decedent. If necessary for funeral directors carry out their duties, the covered entity may disclose the protected health information prior to, and in reasonable anticipation of, the individual's death.

(h) **Standard: uses and disclosures for cadaveric organ, eye or tissue donation purposes.** A covered entity may use or disclose protected health information to organ procurement organizations or other entities engaged in the procurement, banking of transplantation of cadaveric organs, eyes, or tissues for the purpose of facilitating organ, eye or tissue donation and transplantation.