

When to release health records following a death

Reading time:

Chris Melin

Date created: 14/03/2024

Tags: [Dental Practitioner](#) | [Professionalism & Ethics](#) | [Medico-Legal FAQs](#) | [General Practitioner](#) | [Medical Records and Reports](#)

If a healthcare practitioner has died, who can provide authority to release medical records?

If a doctor or other healthcare practitioner is deceased, his/her estate may still receive a request from a patient to release medical records. In these situations, the authority rests with the Executor or Administrator of the deceased doctor's Estate. A power of attorney does not have authority to release the records because a power of attorney is no longer valid after a person dies.

If a patient has died, who can provide authority to release medical records?

If a patient dies you must still maintain their healthcare records. The person authorised to access the deceased patient's medical records is the executor or administrator of the deceased patient's estate. A Power of Attorney does not have the authority to request/release the deceased patient's records because a power of attorney is no longer valid after a person dies.

You should always sight the Will or the Grant of Probate (if available) and ascertain the identity of the person before releasing the information. Always attach a copy of the relevant documentation to the medical records of the patient.

What if a relative of the deceased patient requests medical records?

It depends on the purpose of the request. Doctors may be able to disclose limited information to immediate family members for compassionate reasons.

It is important to be cautious about releasing information where there may be disputes amongst family members.

When should I not disclose information?

You should not disclose health information from a deceased patient's medical records if you know the patient would have objected to the disclosure when he/she was alive. Such objection should have been noted in the medical records. It may not be that the patient has explicitly stated it but if you form a reasonable belief that the deceased would have objected to the disclosure, this is sufficient to refuse disclosure.
