

## Death of the Patient

### Avoiding Liability Bulletin - July 2005

... Suppose that your client/patient doesn't appear for a scheduled appointment and that shortly thereafter you are contacted by a deputy county coroner or deputy sheriff who says that he is investigating the death of your client/patient in order to determine whether the death was the result of a suicide or a criminal act. The investigator would like to talk with you and perhaps obtain a copy of portions of the records. While the typical and instinctive response might be to resist on the grounds of confidentiality, the law may allow or mandate your cooperation. Over the years, I have consulted with several therapists who wanted to cooperate because they believed that they had information that pointed to a suspect.

Before one can react appropriately, one must know what the law provides in their particular state for a person of their licensure. If there is no exception to confidentiality for the purposes of identifying a deceased person or determining a cause of death (usually the duty of the county coroner, sheriff, medical examiner or some other designated official), then the practitioner may need to resist disclosure and insist upon a signed authorization from the personal representative of the deceased (or whomever applicable law specifies).

If there is an exception to confidentiality, it is important to find out whether or not the law allows disclosure or requires it. The extent of the allowable or mandated disclosure and even the time frame may be specified in the law. One state's law requires therapists to disclose information to the coroner "without delay upon request." What are the specifics in your state? Find out now, when there is no crisis facing you.

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