

## **IC 16-39-7.1**

### **Chapter 7.1. Autopsy Records**

#### **IC 16-39-7.1-1**

##### **Applicability of chapter**

Sec. 1. This chapter applies to a physician.

*As added by P.L.271-2001, SEC.3.*

#### **IC 16-39-7.1-1.5**

##### **"Training or educational purposes"**

Sec. 1.5. As used in this chapter, "training or educational purposes" means for the purpose of:

- (1) teaching or giving lectures to:
  - (A) medical students;
  - (B) physicians;
  - (C) coroners;
  - (D) law enforcement personnel;
  - (E) public safety personnel;
  - (F) attorneys; or
  - (G) an individual who relies upon information or records regulated under this chapter in the course of the individual's profession or occupation;
- (2) publication in professional medical:
  - (A) books; or
  - (B) periodicals; or
- (3) use in:
  - (A) training videos; or
  - (B) computer programs.

*As added by P.L.179-2003, SEC.2.*

#### **IC 16-39-7.1-2**

##### **Confidentiality of records**

Sec. 2. Except as provided in section 3 of this chapter, a photograph, a video recording, or an audio recording of an autopsy in the custody of a physician is confidential.

*As added by P.L.271-2001, SEC.3.*

#### **IC 16-39-7.1-3**

##### **Access to records; confidentiality**

Sec. 3. (a) A surviving spouse may:

- (1) view and copy a photograph or video recording; and
- (2) listen to and copy an audio recording;

of the deceased spouse's autopsy. If there is no surviving spouse, the surviving parents shall have access to the records under this subsection. If there is no surviving spouse or parent, an adult child shall have access to the records.

(b) Upon making a written request, a unit (as defined in IC 36-1-2-23), the state, an agency of the state, the federal

government, or an agency of the federal government, while in performance of their official duty, may:

- (1) view and copy a photograph or video recording; and
- (2) listen to and copy an audio recording;

of an autopsy. Unless otherwise required in the performance of their duties, the identity of the deceased must remain confidential.

(c) The physician having custody of a photograph, a video recording, or an audio recording of an autopsy may use or allow the use of the photograph, video recording, or audio recording of the autopsy for case consultation with a pathologist or forensic scientist. The physician having custody of a photograph, a video recording, or an audio recording of an autopsy may also use or allow the use of the photograph, video recording, or audio recording of the autopsy for training or educational purposes if all information that identifies the individual on whom the autopsy was performed is masked or removed from the photograph, video recording, or audio recording. For purposes of this subsection, information that identifies an individual consists of:

- (1) the name;
- (2) the address;
- (3) the Social Security number;
- (4) a full view of the face; or
- (5) identifying marks on the body that are unrelated to the educational purpose of the information or to the medical condition or the medical status;

of the deceased individual. A physician who allows the use of autopsy information under this subsection has a duty to disclose to each person to whom the physician releases it that the information is confidential and may not be used for a purpose other than the purpose for which it was originally released. A physician who fails to disclose the confidentiality restrictions of this information commits a Class A misdemeanor.

(d) Except as provided in subsection (c), the physician having custody of a photograph, a video recording, or an audio recording of an autopsy may not permit a person to:

- (1) view and copy a photograph or video recording; and
- (2) listen to and copy an audio recording;

of an autopsy without a court order.

(e) Information disclosed under subsection (c) is confidential.

*As added by P.L.271-2001, SEC.3. Amended by P.L.179-2003, SEC.3.*

#### **IC 16-39-7.1-4**

##### **Court orders regarding access to records**

Sec. 4. (a) A court, upon a showing of good cause, may issue an order authorizing a person to:

- (1) view or copy a photograph or video recording; and
- (2) listen to or copy an audio recording;

of an autopsy, and may prescribe any restrictions or stipulations that

the court considers appropriate.

(b) In determining good cause, the court shall consider:

- (1) whether the disclosure is necessary for the public evaluation of governmental performance;
- (2) the seriousness of the intrusion into the family's right to privacy;
- (3) whether the disclosure of the photograph, video recording, or audio recording is by the least intrusive means available; and
- (4) the availability of similar information in other public records, regardless of form.

(c) In all cases, the viewing, copying, listening to, or other handling of a photograph or video or audio recording of an autopsy must be under the direct supervision of the physician who is the custodian of the record.

*As added by P.L.271-2001, SEC.3.*

### **IC 16-39-7.1-5**

#### **Notice to survivors of petitions for access to records**

Sec. 5. (a) A surviving spouse shall be given:

- (1) reasonable notice of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording;
- (2) a copy of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording; and
- (3) reasonable notice of the opportunity to be present and heard at any hearing on the matter.

(b) If there is no surviving spouse, the notice under this section must be given to the deceased's parents, and if the deceased has no living parent, the notice must be given to the adult children of the deceased.

*As added by P.L.271-2001, SEC.3.*

### **IC 16-39-7.1-6**

#### **Violations**

Sec. 6. (a) A provider who:

- (1) is the custodian of a photograph, a video recording, or an audio recording of an autopsy; and
- (2) knowingly or intentionally violates this chapter;

commits a Class A misdemeanor.

(b) A person who knowingly or intentionally violates a court order issued under this chapter commits a Class A misdemeanor.

(c) A person who:

- (1) receives autopsy information under section 3(c) of this chapter; and
- (2) knowingly or intentionally uses the information in a manner other than the specified purpose for which it was released;

commits a Class A misdemeanor.

*As added by P.L.271-2001, SEC.3. Amended by P.L.179-2003,*

*SEC.4.*