

How to Get a Deceased Parent's Medical Record



Key Takeaways

- *If there is not an executor of the estate declared, the law to get a deceased parent's medical record varies slightly by state.*
- *Some states have rules about how long healthcare providers are required to keep medical documentation.*

After a parent's death, you may desire to have their medical records. Maybe you're interested in learning more about your [family's medical history](#), or maybe you want to ensure your they received good care. Whatever the reason, it's important to know the process for obtaining their medical record can start months or even years after they've passed away.

HIPAA Rights of the Executor of the Estate

Once someone is legally declared an executor of a deceased person's estate, obtaining their medical records would not be a violation of the Health Insurance Portability and Accountability Act of 1996, also known as HIPAA.

If there is not an executor of the estate declared, the law varies slightly per state. In the [state of California](#), for example, if there is no will or other legal document that declares who is the executor, the following will be given priority, depending on who agrees to take on this position:

- Surviving spouse or domestic partner of the deceased
- Child of the deceased
- Grandchild of the deceased
- Parents of the deceased
- Siblings of the deceased

The executor, when requesting medical records, will typically need the following, according to the [American Medical Association](#) (AMA):

- Documentation verifying personal representative status or estate executorship
- The patient's death certificate
- Completed medical records request form

Varying Rules and Protections of Medical Records By State

According to the [Journal of AHIMA](#), some states require children of a deceased party or another person "to submit legal proof of executorship to healthcare organizations in order to access records.

Some states have rules about [how long healthcare providers are required to keep medical documentation](#) and how quickly they have to respond to requests for copies of medical information, but

this depends per state. For example, in California, [doctors have 15 days to respond to requests](#). In addition, there may be a fee for each request, depending on the hospital.

State Examples:

- **Arizona:** Providers have to keep medical records for six years after the patient's last visit, according to a [report funded by the National Library of Medicine](#). In this state, if a person has it in writing that they do not want their medical records released after their death, it cannot be released to their child. Within 30 days, a provider should tell an executor if they can release records or why they cannot. Providers are given a 30-day extension if medical records are kept offsite.
- **Florida:** Florida has specific laws regarding nursing facilities. Per the [Florida Senate](#), nursing facilities will release the medical records of a former resident to an executor within 30 working days. Executors are also able to obtain medical records from other healthcare facilities, but the timeframe for this is not outlined under the [Florida Electronic Health Records Exchange Act](#).
- **Minnesota:** In this state, people have the right to a deceased person's medical records if they are a spouse or parents of a deceased person, or if they are the personal representative of the deceased person's estate. Hospitals in Minnesota can destroy medical records after seven years, according to a [report funded by the National Library of Medicine](#).
- **South Carolina:** Like with Arizona and Florida, being a family member is not enough to get a deceased person's medical records, according to a report funded by the [National Library of Medicine](#). A person has to be the executor or administrator of a person's estate or be the person that the state designates if no one was appointed in a will or another legal document. Providers have 30 days to respond to requests for medical records, and they have to keep medical documents for 10 years.

What to Do If You Cannot Get Medical Records

If you are the Executor of your deceased parent's estate and reached out to a provider for their medical records in a state with laws requiring the provider to keep them, you may still run into challenges. If this happens, the [Journal of AHIMA](#) recommends gathering "proper evidence of your right, file a written complaint with the Office for Civil Rights."

Go to the Department of Health and Human Services (HHS) website and [fill out the form](#). Check off that you are filing a complaint for a "Violation of Privacy or Security of Health Information (HIPAA)."

Reporting a violation could be helpful in getting a deceased parent's medical record and organizing their estate.

Additional Information:

- [Accessing Deceased Patient Records—FAQ](#) (Journal of AHIMA)
- [Health Information of Deceased Individuals](#) (Department of Health and Human Services)
- [A Glimpse into Real-World Access Barriers After Death](#) (American Medical Association)

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