

Vermont Department of Health
Vermont Electronic Death Registration System (VTEDRS)
ACCESS AND CONFIDENTIALITY/PRIVILEGE AGREEMENT
for
Assistant Medical Examiners

STATEMENT TO VTEDRS USER

As an Assistant Medical Examiner, it is your responsibility to review a completed death certificate for an accurate cause and manner of death before issuing a cremation permit for someone who died in Vermont. (18 VSA § 5201c)

The Vermont Electronic Death Registration System (VTEDRS) has been established as the means for Vermont licensed physicians to electronically certify/sign and submit the medical portion of a death record.

You may view certified death records in the VTEDRS application for the purpose of issuing permits for cremation, or to follow up on cases as requested by the Office of the Chief Medical Examiner (OCME). However, you do not have authority or access to functions necessary to create or "certify" a death record.

VTEDRS USER'S AGREEMENT

As an Assistant Medical Examiner, I will view certified death records in the Vermont Electronic Death Registration System (VTEDRS) which contain confidential and privileged data. As a user of VTEDRS, I hereby agree as follows:

1. I will access confidential and privileged information within VTEDRS only as needed for issuance of cremation permits on behalf of the Vermont Department of Health's Office of the Chief Medical Examiner (OCME), or to follow up on cases as requested by the OCME.
2. I will not divulge in any way, copy, release, sell, loan, review, alter or destroy any confidential and privileged information except as properly authorized within the scope of my professional activities.
3. I will not misuse confidential and privileged information or treat such information carelessly.
4. I understand that reports printed from the VTEDRS including completed Preliminary Report of Death forms may contain information that is not public record and will be kept confidential and privileged. Under no circumstances will these reports be issued to the public. This includes not sharing the decedent's Social Security number and taking other appropriate measures to assure confidentiality as required for all Vermont businesses and agencies by 9 VSA § 2440.
5. I will safeguard and will not disclose my access code or any other authorization I have that allows me to access VTEDRS. I accept responsibility for all activities undertaken using my access code and other authorization.

Vermont Department of Health

Vital Records Office

108 Cherry Street -- P.O. Box 70 -- Burlington, VT 05402

Telephone: 802-863-7275

Fax: 802-651-1787

6. I will report activities by any individual or entity that I suspect may compromise the protection and privacy of confidential and privileged information. Reports made in good faith about suspect activities will be held in confidence to the full extent permitted by law, including the name of the individual reporting the activities.

7. I understand that my obligations under this Agreement will continue after termination of my privileges and access to VTEDRS information. I further understand that my privileges and access hereafter are subject to periodic review, revision, and, if appropriate, renewal.

8. I understand that I have no right or ownership interest in any information within VTEDRS to which I have access. The Department of Health may, at any time, revoke my authorization or access to any information in VTEDRS.

9. I will be responsible for my misuse or wrongful disclosure of confidential and privileged information and for my failure to safeguard my access code or other authorization access to confidential and privileged information.

10. I understand that failure to comply with this Agreement may result in loss of privileges to access VTEDRS.

11. I understand that, under 18 VSA § 1001(d), a confidential public health record shall not be:

- (a) Disclosed or discoverable in any civil, criminal, administrative or other proceeding.
- (b) Used to determine issues relating to employment or insurance for any individual.

I also understand that any person who willfully or maliciously discloses the content of any confidential public health record without written authorization or as authorized by law shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$25,000.00, and costs and attorneys fees as determined by the Court.

12. I understand that the Department of Health will advise me of any new policies, procedures, or protocols as they are issued, especially those related to privacy and security and will work with me to implement any required.

(Signature)

(Date)

(Name Printed)

18 VSA § 1001

(d) A confidential public health record shall not be:

- (1) Disclosed or discoverable in any civil, criminal, administrative or other proceeding.
- (2) Used to determine issues relating to employment or insurance for any individual.

(e) Any person who willfully or maliciously discloses the content of any confidential public health record without written authorization or as authorized by law or in violation of subsections (b), (c) or (e) shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$25,000.00, and costs and attorney fees as determined by the court.

Amended 1979, No. 60, § 1; 1997, No. 7, § 1, eff. April 29, 1997; 1999, No. 17, § 2.

18 VSA § 5001

Certificates of birth, marriage, civil union, divorce, death and fetal death shall be in form prescribed by the commissioner of health and distributed by the health department.

Amended 1959, No. 329 (Adj. Sess.), § 27, eff. March 1, 1961; 1965, No. 112, § 2, eff. Jan. 1, 1966; 1969, No. 265 (Adj. Sess.), § 3; 1999, No. 91 (Adj. Sess.), § 6.

18 VSA § 5201 (c) The person in charge of the body shall not release for cremation the body of a person who died in Vermont until the person in charge has received a certificate from the chief, regional or assistant medical examiner that the medical examiner has made personal inquiry into the cause and manner of death and is satisfied that no further examination or judicial inquiry concerning it is necessary.

18 VSA § 5202. Death certificate; duties of physician

(a) The physician who is last in attendance upon a deceased person during his last illness shall immediately fill out a certificate of death on a form prescribed by the commissioner. If he is unable to state the cause of death, he shall immediately notify the physician, if any, in charge of the patient's care, who shall fill out the certificate. If neither physician is able to state the cause of death, the provisions of section 5205 of this title shall apply. The physician may with the consent of the funeral director, delegate to said funeral director the responsibility of gathering data for and filling out all items except the medical certification of cause of death. All entries, except signatures, on the certificate shall be typed or printed. Such forms contain the following questions:

- (1) Was the deceased a veteran of any war?
- (2) If so, of what war?

(b) When death occurs to an admitted patient in a hospital and it is impossible to obtain a death certificate from an attending physician before burial or transportation, any physician who has access to the facts and can certify that death is not subject to the provisions of section 5205, may complete and sign a preliminary report of death on a form supplied by the commissioner of health. The town clerk or his deputy shall accept this report and issue a burial-transit permit. This preliminary report of death may be destroyed six months after a death certificate has been filed. This does not relieve the attending physician from the responsibility of completing a death certificate and delivering it to the funeral director within twenty-four hours after death.

(c) If a dead body must be removed immediately and a death certificate or preliminary report cannot be obtained, the town clerk, deputy or law enforcement officer may issue a temporary burial-transit permit which shall expire forty-eight hours after issuance. This does not relieve the attending physician from the responsibility of completing a death certificate and delivering it to the funeral director within twenty-four hours after death. Upon receipt of the death certificate, the funeral director shall apply for and the issuing authority shall issue a burial-transit permit to replace the temporary permit. (Amended 1959, No. 329 (Adj. Sess.), § 27, eff. March 1, 1961; 1963, No. 102, § 2, eff. May 22, 1963; 1969, No. 265 (Adj. Sess.), § 10; 1979, No. 142 (Adj. Sess.), § 26; 1997, No. 40, § 22b.)

18 VSA § 5205. Death certificate when no attending physician; autopsy

(a) When a person dies from violence, or suddenly when in apparent good health or when unattended by a physician or a recognized practitioner of a well-established church, or by casualty, or by suicide or as a result of injury or when in jail or prison, or any mental institution, or in any unusual, unnatural or suspicious manner, or in circumstances involving a hazard to public health, welfare or safety, the head of the household, the jailer or the superintendent of a mental institution where such death occurred, or the next of kin, or the person discovering the body or any doctor notified of the death, shall immediately notify the medical examiner who resides nearest the town where the death occurred and immediately upon being notified, such medical examiner shall notify the

state's attorney of the county in which the death occurred. The state's attorney shall thereafter be in charge of the body and shall issue such instructions covering the care or removal of the body as he shall deem appropriate until he releases same.

(b) The medical examiner and a designated law enforcement officer shall thereupon together immediately make a proper preliminary investigation.

(c) Unless the cause and manner of death is uncertain, such medical examiner shall complete and sign a certificate of death. He and the designated law enforcement officer shall each submit a report of investigation to the state's attorney and the chief medical examiner. If, however, the cause or circumstances of death are uncertain he shall immediately so advise the state's attorney of the county where the death occurred, and notify the chief medical examiner.

(d) The state's attorney of each county, with the advice of the commissioner of public safety or his designee, the sheriff and the chief of police of any established police department, shall prepare a list of law enforcement officers in his county qualified to make an investigation and report. This list shall be made available to the medical officers concerned and such other persons as the state's attorney deems proper.

(e) If an undertaker or embalmer shall, in the course of his employment, find evidence of physical violence on the body or evidence of an unlawful act sufficient to indicate to such a person that death might have been the result of an unlawful act, he shall immediately notify the state's attorney of the county where the body is then located and shall proceed no further with the preparation and embalming process of such body until permitted to do so by the state's attorney.

(f) The state's attorney or chief medical examiner, if either deem it necessary and in the interest of public health, welfare and safety, or in furtherance of the administration of the law, may order an autopsy to be performed by the chief medical examiner or under his direction. Upon completion of the autopsy the chief medical examiner shall submit a report to such state's attorney and the attorney general and shall complete and sign a certificate of death.

(g) When a person who is committed to the custody of the department of corrections or who is under the supervision of the department of corrections dies, the commissioner of corrections may request to be provided with a copy of any and all reports generated pursuant to subsection (f) of this section. No such request shall be granted where the medical examiner is unable to determine a manner of death or the manner of death is classified as a homicide. In other circumstances, the request shall be granted in the discretion of the medical examiner for good cause shown. Reports disclosed pursuant to this subsection shall remain confidential as required by law and shall not be considered to be a public record pursuant to 1 V.S.A. § 317. (Amended 1967, No. 254 (Adj. Sess.), §§ 1-3, eff. Feb. 20, 1968; 1969, No. 128, § 2; 1969, No. 265 (Adj. Sess.), § 12; 1971, No. 33, § 7; 1991, No. 191 (Adj. Sess.), § 1, eff. May 19, 1992; 2003, No. 128 (Adj. Sess.), § 2, eff. May 24, 2004; No. 157 (Adj. Sess.), § 13.)