



Coroners Court of Victoria

□ Public

Practice Direction 6 of 2014

Medical Records

Background

1. This practice direction is made pursuant to section 107 of the *Coroners Act 2008* (the Act) and is issued to enable a coroner to obtain, as deemed necessary, medical records of a deceased person.
2. This practice direction sets out the procedure for the compulsion of medical records, the provision of medical records to the medical investigator and the return of medical records.
3. The Act provides that a coroner should have regard to sections 7, 8 and 9 of the Act when investigating any reportable death or reviewable death.

Definitions

4. Medical investigator means:
 - (a) the Victorian Institute of Forensic Medicine (VIFM); or
 - (b) a pathologist; or
 - (c) a registered medical practitioner under the general supervision of a pathologist.
5. Medical record whether electronic or not, is a collection of information pertaining to the deceased's past healthcare.
6. Registered medical practitioner is the same as the *Health Records Act 2001* (Vic) and means 'a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)'.

Directions

Production of medical records

7. An investigating coroner can obtain medical records under either:
 - (a) Section 32 of the Act which states "*a person who reported a reportable death or a reviewable death must give the coroner any information or other assistance that the coroner requests for the purposes of the coroner's investigation*"; or



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(b) Section 33 of the Act which states *"a registered medical practitioner who was responsible for a person's medical care immediately before that person's death or who was present at or after the person's death must give the coroner any information or assistance that the coroner requests for the purposes of the investigation.*

8. A written request for records must be in the form of Attachment A, appended to this practice direction.

Provision of medical records

9. Upon receipt of information (including materials) obtained pursuant to section 32 or 33, the principal registrar must ensure that the medical investigator pursuant to section 29, is given the information that is necessary or helpful to perform his or her functions for the coroner.
10. The medical investigator receives and holds such information provided by the Principal Registrar, on behalf of the coroner.
11. The medical investigator must not provide any information provided to him or her pursuant to section 29, to any other person, agency or entity external to VIFM without the express authorisation of a coroner.
12. The medical records receipt must be affixed to the front of the medical record and a copy of the receipt is attached to this practice direction as Attachment B.

Return of medical records

13. Court staff must ensure that medical records provided to VIFM must be returned by VIFM to the Court as soon as practicable and must be in appropriate condition.

Revocation of previous practice directions

14. Practice Direction 7 of 2011 is rescinded.

Commencement

15. This practice direction takes effect immediately and retrospectively.


Judge Ian Gray

State Coroner

9/4/14



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Attachment A

REQUEST FOR RECORDS

Attention:

Fax No:

DECEASED

Coroners Reference Number:

Date of Birth:

U.R. Number:

Date of Death:

For the Attention of:

The coroner is investigating the death of the above named, and in order to complete the investigation the coroner requires the deceased's medical records. Please forward the deceased's records as soon as possible.

Please ensure a copy of this request is attached to the records when they are forwarded to the Registry. This request is made under either :

Section 32 of the *Coroners Act 2008* which states "a person who reported a reportable death or a reviewable death must give the coroner any information or other assistance that the coroner requests for the purposes of the coroner's investigation; or

Section 33 of the *Coroners Act 2008* which states "a registered medical practitioner who was responsible for a person's medical care immediately before that person's death or who was present at or after the person's death must give the coroner any information or assistance that the coroner requests for the purposes of the investigation

Yours Sincerely,

, Coroner's Registrar, DATE:



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Attachment B

MEDICAL RECORDS RECEIPT

Medical Records of the Deceased Named:

Records Supplied by:

Date Records Arrived:

Hospital:

Coroners Reference Number:

Number of Volumes:

UR Number:

Pursuant to section 29 of the *Coroners Act 2008*, the medical records have been provided SOLELY to the medical investigator as the coroner considers it would be necessary or helpful for the medical investigator performing the medical examination to know. If other person(s), agency or entity requires access to and/or a copy of the medical records, the coroner's permission must be obtained.