

<p style="text-align: center;">DISTRICT OF COLUMBIA OFFICE OF THE CHIEF MEDICAL EXAMINER 1910 MASSACHUSETTS AVENUE, S.E., Bldg. 27 WASHINGTON, D.C. 20003</p>	<p style="text-align: center;">OCME POLICY Last Updated 8/24/10</p>
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RECORD KEEPING & RETENTION

The following document provides recordkeeping policies and procedures for the Office of the Chief Medical Examiner (OCME). It also includes the OCME Record Retention Policy which was developed pursuant to the District of Columbia Public Records Management Act of 1985, D.C. Law 6-19, § 2-1706 and Title I, Chapter 15, §§ 1516 and 1517.

I. OCME Records Coordinator

The OCME Records Coordinator facilitates the process of developing and implementing agency records retention schedules for the maintenance and disposition of records and the transfer of records to the District of Columbia Archives and Records Center.

Duties of the Records Coordinator:

- serves as liaison with the Public Records Administrator on matters pertaining to records management;
- develops and implements a comprehensive records management plan/program of the agency;
- complies with D.C. Law 6-19, the “Public Records Management Act of 1985”; the Rules and Regulations of Title I, Chapter 15 on public records of the District of Columbia; and guidelines, standards, policies and procedures issued by the Public Records Administrator;
- surveys and appraises records; prepares agency Records Retention Schedule and amends existing agency schedule in accordance with standards and procedures issued by the Public Records Administrator;
- arranges for the transfer of historical and permanently valuable records to the D.C. Archives; reports, studies and publications to the Library of Governmental Information; and inactive temporary records to the District of Columbia Records Center;
- prepares records management reports as prescribed by the Public Records Administrator for the administration of the agency records management program and the management of agency records;
- attends and completes all records and information management training courses and forums as prescribed by the Public Records Administrator;
- be certified by the Public Records Administrator as successfully completing the required training in records and information management.

II. Record Keeping

A. General

OCME records are maintained electronically and by hard copy. The following records are to be maintained according to the records series as defined by archival standards of the District's Archives and Records Center :

- Subject Files
- Correspondence Files
- Administrative Files
- Case Files
- Project Files
- Departmental Files
- Electronic Files
- Other records series (D.C. Archives provides advice and assistance)

The Director of each OCME Unit is responsible for the maintenance of all files associated with the unit's work.

B. Medical Examiner Case Files

The CME is responsible for maintaining full and complete records and files, properly indexed, giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause and manner of death and all other relevant information and reports of the medical examiner concerning the death. These records and files are considered "Medical Examiner Case Files."

1. Electronic Files

A Medical Examiner Case is originally established electronically in the OCME Forensic Automated Case Tracking System (FACTS) when a death is reported to OCME and a case file number is assigned to a reported death and information regarding the death entered into the database under this case file number. The FACTS database is made up of all OCME Medical Examiner Cases and includes the following, when applicable: intake information/demographics, autopsy/external examination reports, the cause and manner of death, medical records, investigative reports, cremation information, body transport, intake and release information, and public disposition information.

The OCME Communications Unit is responsible for the establishment of a Medical Examiner electronic case file within FACTS and various units also enter data into the case file according to their specific duties – i.e., Medicolegal Investigation, Forensic Pathology, Medical Transcription, Records Management etc.

2. Physical Case Files

The OCME Medical Records Unit is responsible for the maintenance and disposition of the Medical Examiner physical case files. The Communications Unit is responsible for opening a physical case file for all reported deaths upon which jurisdiction is accepted. A case file that is ongoing or incomplete is maintained by the Communications Unit and must be signed-in and out by a staff person needing the file. Once the body is released to the funeral home, the case/autopsy report is completed and a quality assurance review is done, the case file is transferred to the Records Management Unit for processing for record keeping and storage.

Report Completion:

Staff responsibilities for completion of the medical examiner autopsy reports and case files are included in the Forensic Pathology policies and procedures. All cases must be completed within the set key performance indicator time periods as set forth in the agency fiscal performance plans. Each medical examiner is held responsible for completing their case load in the set time period and with a certain percentage and a significant portion of employee performance is evaluated based on this measure.

File Organization:

All reports or records associated with a Medical Examiner Case are to be placed in case folders according to case file number. The cases are filed according to case number. The order in which the reports are filed in a case is as follows:

Right Side:

Autopsy Report
Toxicology Report, Additional reports pertaining to the case
Chain of Custody Form
Medical Examiner Evidence Submission Form
Disposal of Bio-Hazardous Materials
Police Report, Investigation Report, Supplemental Reports
Hospital Records
Delayed Report of Diagnosis
Cause of Death Determination Form
Death Certificate
Death Notification Report
Photographs

Left Side:

Case Notes Form (documentation of correspondence)
Additional Correspondence
I.D. Forms (fingerprints, x-rays)
Medical Examiner Final Case Review
Personal Property Form
Property Released to Funeral Home Form
Photocopy of signed Toe Tag for verification purposes

Receipt of Remains
Receipt of Death Certificate
Funeral Home I.D. Photo, Funeral Home Release Form
Next of Kin I.D. Photo, Decedent Identification Form
Next of Kin Information Form, Decedent Survivor Information
Transportation Notification Form

C. Fatality Review Unit Files

The Fatality Review Unit files and records shall be maintained according to the established Fatality Review Unit Operating Protocols. See Fatality Review Section of the Policies and Procedures Manual.

D Record Confidentiality and Security

OCME will protect the privacy and security of confidential information through proper storage and handling procedures.

1. Confidentiality and Access to Records

All information related to a Medical Examiner Case, personnel records and other administrative information is confidential. Authorized employees must follow established procedures to ensure the appropriate handling of confidential information.

All requests for access to records, must be made in writing to either the Records Coordinator, Supervisory Records Management Specialist or the Freedom of Information Act (FOIA) Officer or appropriate OCME manager. All phone call requests for copies of autopsy reports, investigative reports, etc. are to be transferred to the Medical Records Unit (698-9111).

a. Medical Examiner Case Files

Copies of records relating to deaths as to which further investigation may be advisable, and all Medical Examiner Case Files shall be open to inspection by the following:

- The Mayor
- The Mayor's authorized representative;
- The United States Attorney;
- The United States Attorney's Assistants;
- The Metropolitan Police Department; or
- Any other law enforcement agency or official.

These entities should provide a request for records and information in writing to the General Counsel or Records Management Unit.

Any other person with a legitimate interest¹ in Medical Examiner Case Files and the information therein may obtain **copies** of such records and files upon such conditions and payment of such fees (See Attachment A) as may be prescribed by regulation and applicable privacy laws. If the person fails to meet the prescribed conditions, such person may obtain copies of records by doing one of the following:

- providing written authorization of the next of kin for release of the records;
- serving a subpoena on the custodian of records, OCME; or
- pursuant to a court order if the court is satisfied that such person has a legitimate interest.

The decedent's address must be redacted from all pre-2002 autopsy or external examination report cover sheets.

All disclosures of information must be documented for both electronic and paper records.

The records or reproductions of records certified by the Chief Medical Examiner are admissible as evidence in any court in the District; except that, statements made by witnesses or other persons and conclusions upon non-medical matters are not admissible.

Autopsy Reports:

Requests for documents associated with Medical Examiner Case Files generally include a request for an autopsy report. A complete autopsy report includes the following when available:

- autopsy report, diagrams (microscopic report);
- toxicology report;
- neuropathology report;
- any consultant report; and
- other laboratory reports prepared by outside entities.

Diagrams and other laboratory reports may also be available on a case by case basis for attorneys, law enforcement and/or insurance companies.

b. Fatality Review Unit Files

Fatality Review Unit files and information is confidential and should be treated according to general confidentiality requirements outlined in the Fatality Review Unit Operating Protocols. See Fatality Review Section of the Policies and Procedures Manual.

¹ "Legitimate interest" is defined in regulations as "a direct interest in obtaining medical, scientific information, or other information maintained by the Office of the Chief Medical Examiner."

c. FOIA Requests

All FOIA requests from the general public for OCME records must be made in writing. The FOIA Officer will review the requests and respond accordingly based on applicable laws, regulations and District government policies and procedures.

d. Other Requests

Any other requests for records shall be forwarded to the Records Coordinator or the appropriate OCME manager or administrative personnel.

2. Security

When not in use, all materials containing confidential information must be kept in a locked file cabinet or office. All contact with or viewing of confidential information by unauthorized individuals is prohibited. Employees shall not release confidential information to unauthorized individuals, including unauthorized employees or the general public.

The Records Management Unit shall remain locked at all times and only authorized employees may enter the medical records area. Except in emergencies or during non-business hours, no individual may enter the unit unless accompanied by records unit personnel. In these circumstance, the Chief Medical Examiner, Chief of Staff, General Counsel or other staff authorized by one of these three employees shall have access. Unauthorized employees must make requests of information or records at the door of the unit which remains locked but contains an open window area for interaction. The open window area is locked when Records Management Unit personnel are not present.

Medical Examiner Case files cannot be taken from the OCME facility for any purposes, unless authorized by the Chief Medical Examiner or General Counsel. See Confidentiality and Access to Records section for procedures on provision of information and access to records.

The Fatality Review Division records are confidential and shall be maintained in a locked file cabinet or office. Subsequent to each fatality review meeting, documents utilized, must be returned to agency staff and shall be shredded in the meeting room and not removed. Attendees at all fatality review meetings must also sign a confidentiality statement.

III. Records Retention Schedule

A. OCME Medical Examiner Case Files

1. Physical Case Files

Medical examiner physical case files, as defined above, shall be preserved for a period of 30 years except that records and files related to an undetermined case shall be retained for 65 years, open investigation of a homicide shall be retained for 65 years from the date the CME initiates its investigation of the homicide per the Millicent Allewelt Amendment Act of 2004, D.C. Law 15-174.

Medical Examiner physical case files are maintained onsite at OCME for five years. On an annual basis, at the beginning of each calendar year, the Records Management Unit shall transfer case files that are older than five years to D.C. Archives and Records Center. Once moved, the security of the file is the responsibility of the receiving facility.

2. Electronic Case Files

Electronic medical examiner case files and associated digital images shall remain on the OCME case management server for 30 years, except that electronic records and files related to an undetermined case, open investigation of a homicide shall be retained on the server for 65 years.

B. Photographs

Identification photographs associated with Medical Examiner Cases shall be stored in Medical Examiner Case Files within the Records Management Unit. Other photographs are stored as follows:

Film Photographs/slides are stored in the Photography Unit onsite for five years.

Digital photographs shall remain on the OCME case management server for 30 years, except that electronic records and files related to an undetermined case, open investigation of a homicide shall be retained on the server for 65 years.

On an annual basis, at the beginning of each calendar year, all photographs that are older than five years stored in the Photography Unit will be transferred to the Records Management Unit for transfer to the D.C. Archives and Records Center for the

C. X-Rays

X-ray film taken and used for decedent identification purposes will be maintained for five years. Following that time period, photographs of these x-rays will be taken and stored according to the photograph schedule above. All other x-ray film that is not used shall be discarded after five years.

Digital x-rays shall remain on the OCME case management server for 30 years, except that electronic records and files related to an undetermined case, open investigation of a homicide shall be retained on the server for 65 years.

D. Tissue/Specimens (Toxicology/Histology)

1. Formalin-fixed tissues are stored for a minimum of 3 years.
2. Microscopic slides are stored indefinitely.
3. Paraffin blocks are stored for a minimum of 10 years.

E. Toxicology Specimens (Blood/Urine/Tissue)

1. Post-mortem tissues and blood are stored for one year from the release of the initial toxicology report with the following exception:

If the case is a homicide, only one tube of blood (or in the absence of blood, one tube of alternate tissue) will be stored for a minimum of 3 years after the release of the initial toxicology report. All remaining case blood and tissues are discarded at this time.

2. All Human Performance (DUI/DFSA) specimens are stored for 1 year after the release of the initial toxicology report.
3. The return of any Human Performance specimen may be requested at any time upon written request from the client prior to its disposal.
 - a. The transfer must take place within 1 week of documented request.
 - b. The specimen is only transferred to the client's appointed liaison.

F. Fatality Review Unit Files

A Record Retention Schedule for Fatality Review Unit files and records shall be developed in accordance with Fatality Review Operating Protocols and in coordination with the Fatality Review Program Manager. See Fatality Review Section of the Policies and Procedures Manual.

G. General Record Retention Schedules

The OCME maintains records, with the exception of Medical Examiner Case Files and Fatality Review Unit files, according to the District's General Records Schedules issued by the Office of Public Records to provide disposition standards for records. This includes records relating to personnel, fiscal functions, accounting, procurement, printing, space and maintenance and other housekeeping records. The schedules also cover audiovisual records, maps and architectural plans, records of boards and commissions, administrative management files and other types of records.

The General Records Schedule only covers record copies of documents. Non-record materials, such as duplicate copies of documents, are destroyed according to OCME authority alone.

IV. Procedures and Guidelines for Transfer to and Retrieval of Records from the D.C. Archives and Records Center

A. Identify Records Series

1. Subject Files
2. Correspondence Files
3. Administrative Files
4. Case Files
5. Project Files
6. Departmental Files
7. Electronic Files
8. Other record series (D.C. Archives provides advice and assistance)

B. Standard Records Center Boxes

Records shipped to the D.C. Archives and Records Center must be packed in standard Records Center boxes (stock number 8115-00-117-8249) that are purchased from the General Services Administration.

C. Packing Files in Records Center Boxes

Pack files in Records Center Boxes by records series as listed above in a logical searchable order that accommodates the retrieval and reference service process. Files must be packed separately by records series with accession numbers annotated on the boxes as instructed by the D.C. Records Center.

D. File Index

The last box of each accession must contain a complete index of the files that will be transferred to the D.C. Archives or Records Center.

E. Accession Numbers

Contact the D.C. Records Center (202-671-1111) to secure accession numbers and instructions for annotating boxes that will be transferred and accessioned into the D.C. Archives and Records Center.

F. Records Retention Schedule

Consult your agency records retention schedule to cite the disposal authority of records that will be accessioned into the D.C. Archives or Records Center. If the records are unclassified, consult the D.C. Archives (202-671-1109) for assistance.

G. Records Transmittal

Contact the D.C. Records Center to secure copies of the Standard Form 135 that must be completed and submitted to the Office of Public Records to transfer records into the D.C. Archives or Records Center. Complete and attach a copy of the file index to the Standard Form 135. Send three (3) copies of the Standard Form 135 to the D.C. Records Center.

H. Shipping Records

Upon review and approval of the Standard Form 135, the Office of Public Records will schedule a date and time for the agency to ship the records to the Records Center.

I. Retrieval of Records

Requests for retrieval of records located in the D.C. Archives and Records Center must be completed through a written request to the Office of Public Records.

V. Destruction of Records

A. Documents

Records are destroyed based on the General Record Schedule through a shredding process either in-house or through a contractual service. The D.C Archives and Records Center is responsible for the destruction of records that have been transferred to those facilities based on a retention schedule outlined by the agency on the forms submitted for transfer of the records and according to the General Record Schedule.

B. Photographs/X-Rays

This media is destroyed through a contractual service.

C. Tissue/Specimens

Tissue and specimens are disposed of through a contractual service. Note that the OCME follows these established policies and procedures without prior notification to families with respect to disposition of tissue/specimens.

COPIES FOR COPIES OF RECORDS, REPORTS AND SERVICES

The following fee schedule shall apply to copies of records and reports and for other services provided to private parties by the Office of the chief Medical Examiner:

a) Autopsy Reports

1) Family Members	\$15.00
2) Insurance Companies	\$50.00
3) Other Private Parties	\$50.00

b) External Examination Report (Certified Copy) \$25.00

c) Proof of Death \$25.00

d) Photographs (produced on site)

1) Laser Prints	\$10.00 each
2) Glossy Prints	\$10.00 each
3) 35mm Slides	\$15.00 each
4) X-ray Photos	\$15.00 each
5) Digital Photos	\$15.00 each

e) Histology

1) Unstained	\$15.00 each
2) Hematoxylin and Eosin	\$15.00 each

f) Cremation Approval \$75.00

g) Still Births \$75.00

h) Investigation Reports \$6.50 per page

i) Body Storage \$150.00

j) Expert Testimony and Depositions \$300.00 per hour

k) Record Copying Fee \$5.00 for the first five pages

1) DNA Cards

and .50¢ each additional page

\$5.00 each