

AUTOPSIES

Who may authorize an autopsy?

While an autopsy does not necessarily need to be performed on every dead human body, certain individuals and agencies may authorize an autopsy.¹

A coroner may, in his or her discretion, order an autopsy of any dead body over which the coroner has jurisdiction.² See **HUMAN REMAINS**.

If a death occurs on the job and the cause of death is unknown, the Washington State Department of Labor and Industries may request in writing that the coroner perform an autopsy. Upon receiving the request, the coroner must promptly perform the autopsy to determine the cause of death.³

The following persons, in order of priority, may also authorize an autopsy, as long as a person of higher priority has not refused such authorization:⁴

- The decedent's surviving spouse or state registered domestic partner.
- Any child of the decedent who is age 18 or older.
- A parent of the decedent.
- Any adult sibling of the decedent.
- A guardian of the decedent at the time of death.
- Any other person or agency authorized or under an obligation to dispose of the decedent's remains.

If the person seeking authority to have an autopsy performed makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class of priority and finds that no such person is available, the authorization may be given by any person in the next class in the order of descending priority.⁵

Any other party, by showing just cause, may petition the court to have an autopsy performed and the results made known to the party at that party's expense.⁶

¹ RCW 68.50.101. That an autopsy is not always required is implicit in the permissive rather than mandatory language of the following statutes concerning who "may" authorize an autopsy.

² RCW 68.50.100; RCW 68.50.010.

³ RCW 68.50.103.

⁴ RCW 68.50.101.

⁵ RCW 68.50.101.

⁶ RCW 68.50.102.

Is an unauthorized autopsy a crime?

Yes. Making any unauthorized dissection of a dead body is a gross misdemeanor.⁷

Who has access to autopsy results?

Reports and records of all autopsies are confidential, but the following persons may examine and obtain copies of any of these reports and records:⁸

- The personal representative of the decedent.⁹
- Any family member of the decedent.¹⁰
- The attending physician or advanced registered nurse practitioner.
- A prosecutor or law enforcement agency with jurisdiction.
- A public health official.
- The Washington State Department of Labor and Industries when it has an interest in an industrial death.¹¹
- The Secretary of the Washington State Department of Social and Health Services in certain child-fatality cases under review.¹²

If requested, must a physician meet with the decedent's family members to discuss the findings of the autopsy?

Yes. The coroner, medical examiner, or attending physician must, upon request, meet with the decedent's family to discuss the findings of the autopsy. "Family" includes the surviving spouse, the state registered domestic partner, any child, parent, grandparent, grandchild, brother or sister of the decedent, or any guardian of the decedent at the time of death.¹³

⁷ RCW 68.50.100.

⁸ RCW 68.50.105.

⁹ Here, RCW 11.02.005 governs whether a person is the decedent's personal representative.

¹⁰ For purposes here, RCW 68.50.105 defines "family" as "the surviving spouse, state registered domestic partner, or any child, parent, grandparent, grandchild, brother, or sister of the decedent, or any person who was guardian of the decedent at the time of death".

¹¹ This interest must fall under RCW 68.50.103. That is, the death must be of the sort that would permit the Department to request that the coroner perform an autopsy to determine the cause of death.

¹² See RCW 74.13.640.

¹³ RCW 68.50.105.

Can a physician be held liable to a decedent's relatives for improper disclosure of autopsy records or photographs?

Yes. A decedent's immediate relatives can sue a physician (or other person) who makes such improper disclosure for invasion of privacy.¹⁴

¹⁴ Reid v. Pierce County, 136 Wn.2d 195, 212 (1998).