
Guidance for Doctors: Testing Deceased Patients for Communicable Diseases before Post-Mortems

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Where a post-mortem examination is to be carried out¹, doctors may undertake testing of a deceased patient for communicable diseases in order to establish in cause of death. Where there is a reasonable suspicion that the patient may have been at high risk of an infectious disease, suitable precautions should be taken to protect the health care workers concerned, but prior laboratory testing for communicable disease is not essential to the process and should not be considered routinely.

Disclosure of positive test results may take place in confidence to health care workers directly involved in post-mortem procedures and to known sexual partners and other contacts considered to be at risk. Disclosure in such circumstances is justified only to enable those whose relationship with, or proximity to, the deceased had placed them at risk of a serious communicable disease to obtain appropriate medical advice and (in the case of an infection which may be sexually transmitted and is not easily eliminated) to modify their sexual behaviour. Disclosure to others (e.g. relatives) who are not known contacts of the deceased nor responsible for a potentially infected minor cannot be justified on these grounds. As is made clear in the Council's booklet "Professional Conduct and Discipline: Fitness to Practise", the fact of a patient's death does not of itself release a doctor from the obligation to maintain confidentiality.

¹ Doctors should be aware of the terms of the Human Tissue Act 1961 which regulates the circumstances under which post-mortems may be carried out. Under the terms of the Act, a post-mortem may be authorised either by a coroner or by a person lawfully in possession of the body. In the latter case a post-mortem may be carried out only where reasonable inquiries have shown no causes to believe either that the deceased had expressly stated an objection to a post-mortem being undertaken, and had not withdrawn that objection or that the spouse or surviving relative of the deceased objects to a post-mortem. Post-mortems authorised by a coroner are not subject to these conditions. Compliance with the NHS (Venereal Diseases) Regulations 1974 is also necessary.