Oklahoma State University

Title: Methods of Individual Notification	Policy #: BRE-02.03
Category: HIPAA Compliance	Authority: 45 CFR HIPAA SECTION: § 164.404(d)
Standard: Notification in the Case of Breach of Unsecured Protected Health Information	Responsibility: Health Care Components
Effective Date: 3/26/2013	Page 1 of 2
Approved By: OSU Legal Counsel	Revised: 6/1/2013

PURPOSE:
To establish how each patient will be notified in the event of a breach.

POLICY:
The notification shall be provided in the following form:

1. Written Notice.
    a. Written notification by first-class mail to the individual at the last known address of the individual or, if the individual agrees to electronic notice and such agreement has not been withdrawn, by electronic mail. The notification may be provided in one or more mailings as information is available. *§164.404(d)(1)(i)*
    b. If OSU knows the individual is deceased and has the address of the next of kin or personal representative of the individual, written notification by first-class mail to either the next of kin or personal representative of the individual. The notification may be provided in one or more mailings as information is available. *§164.404(d)(1)(ii)*
2. Substitute Notice. In the case in which there is insufficient or out-of-date contact information that precludes written notification to the individual under the written notice requirement, a substitute form of notice reasonably calculated to reach the individual shall be provided. Substitute notice need not be provided in the case in which there is insufficient or out-of-date contact information that precludes written notification to the next of kin or personal representative of the individual. *§164.404(d)(2)*
    a. In the case in which there is insufficient or out-of-date contact information for fewer than 10 individuals, then such substitute notice may be provided by an alternative form of written notice, telephone, or other means. *§164.404(d)(2)(i)*
    b. In the case in which there is insufficient or out-of-date contact information for 10 or more individuals, the such substitute notice shall: *§164.404(d)(2)(ii)*
        i. Be in the form of either a conspicuous posting for a period of 90 days on the home page of the Web site of OSU, or conspicuous notice in major print or broadcast media in geographic areas where the individuals affected by the breach likely reside; and *§164.404(d)(2)(ii)(A)*
        ii. Include a toll-free phone number that remains active for at least 90 days where an individual can learn whether the individual's unsecured protected health information may be included in the breach. *§164.404(d)(2)(ii)(B)*

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3. Additional Notice in Urgent Situations. In any case deemed by OSU to require urgency because of possible imminent misuse of unsecured PHI, OSU may provide information to individuals by telephone or other means, as appropriate, in addition to notice provided under section 1 of this policy. *§164.404(d)(3)*

PROCEDURE:

1. OSU shall provide written notice to all affected individuals as specified in the policy above.
2. OSU shall engage various departments within the OSU system to gather the necessary information to notify all affected individuals.
3. If needed, IT will setup or make the arrangements for a Toll-Free number.
4. If needed, Communications and/or Marketing will notify the major media of where the affected individuals likely reside.
5. If needed, Communications and/or Marketing will assist in placing the conspicuous posting on the OSU Web page, for no less than 90 calendar days.
6. If needed, in urgent situations, OSU shall take whatever means necessary, including manually calling all affected individuals in as urgent manner as physically possible.