



Oklahoma State University

Title: Law Enforcement Delay	Policy #: BRE-06.00
Category: HIPAA Compliance	Authority: 45 CFR HIPAA SECTION: §164.412
Standard: Notification in the Case of Breach of Unsecured Protected Health Information	Responsibility: Health Care Components
Effective Date: 3/26/2013	Page 1 of 1
Approved By: OSU Legal Counsel	Revised: 6/1/2013

PURPOSE:

To establish the steps OSU will take if Law Enforcement is involved in the event of a breach of PHI.

POLICY:

If a law enforcement official state to a covered entity or a business associate that a notification, notice, or posting required under the Breach Notification rules would impede a criminal investigation or cause damage to national security, OSU shall: §164.412

1. If the statement is in writing and specifies the time for which a delay is required, delay such notification, notice, or posting for the time period specified by the official; or §164.415(a)
2. If the statement is made orally, document the statement, including the identity of the official making the statement, and delay the notification, notice or posting temporarily and no longer than 30 days from the date of the oral statement, unless a written statement as described in paragraph 1 of this policy is submitted during that time. §164.412(b)

PROCEDURE:

1. In the event any law enforcement official either orally makes a statement or provides a written document as described in the above policy, OSU shall not make the required notification until 30 days (orally) or the specified time (written) has lapsed.
2. The documented Law Enforcement Delay shall be kept on file in the HIPAA Compliance Office.
3. All appropriate steps to prepare for the notification will continue to be made internally, so once the timeframe of the law enforcement delay is over, OSU can notify the affected individuals promptly.