



## Oklahoma State University

<b>Title: Provide Records and Compliance Reports</b>	<b>Policy #: ENF-00.02</b>
<b>Category: HIPAA Compliance</b>	<b>Authority: 45 CFR § HIPAA SECTION: 160.310</b>
<b>Standard: Responsibilities of Covered Entities</b>	<b>Responsibility: Health Care Components</b>
<b>Effective Date: 4/14/2003</b>	<b>Page 1 of 2</b>
<b>Approved By: OSU Legal Counsel</b>	<b>Revised: 7/1/2013</b>

### **PURPOSE:**

To make known that OSU will comply with all responsibilities under HIPAA.

### **POLICY:**

OSU will comply with all Responsibilities of a Covered Entity as defined by the Enforcement Rule in regards to Complaints and Investigations.

OSU will:

- Provide records and compliance reports.
- Cooperate with complaint investigations and compliance reviews
- Permit access to information

To the Secretary for the Department of Health and Human Services upon request.

### **PROCEDURE:**

OSU must keep records and submit such compliance reports, in such time and manner and containing such information, as the Secretary may determine to be necessary to enable the Secretary to ascertain whether the OSU has complied or is complying with the applicable administrative simplification provisions. *§160.310(a)*

OSU must cooperate with the Secretary, if the Secretary undertakes an investigation of compliance review of the policies, procedures, or practices of OSU to determine whether it is complying with the applicable administrative simplification provisions. *§160.310(b)*

OSU must permit access by the Secretary during normal business hours to its facilities, books, records, accounts, and other sources of information, including PHI, that are pertinent to ascertaining compliance with the applicable administrative simplification provisions. If the Secretary determines that exigent circumstances exist, such as when documents may be hidden or destroyed, OSU must permit access by the Secretary at any time without notice. *§160.310(c)(1)*

If any information required of OSU under the Enforcement Rule is in the exclusive possession of any other agency, institution, or person and the other agency, institution, or person fails or refuses to



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furnish the information, OSU must so certify and set forth what efforts were made to obtain the information. *§160.310(c)(2)*

PHI obtained by the Secretary in connection with an investigation or compliance review under the Enforcement Rule will not be disclosed by the Secretary, except if necessary for ascertaining or enforcing compliance with the applicable administrative simplification provisions, or if otherwise required by law or if permitted under the Privacy Act at 5 U.S.C. 552a(b)(7).

The Privacy Act permits the disclosure of a record on an individual contained within a government system of records protected under the Privacy Act to another agency or instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the agency has made a written request to the agency that maintains the record. *§160.310(c)(3)*