



## Oklahoma State University

<b>Title: Deceased Individuals</b>	<b>Policy #: PRV-01.11</b>
<b>Category: HIPAA Compliance</b>	<b>Authority: 45 CFR HIPAA SECTION: § 164.502(f) &amp; (g)(4)</b>
<b>Standard: Deceased Individuals</b>	<b>Responsibility: Health Care Components</b>
<b>Effective Date: 4/14/2003</b>	<b>Page 1 of 1</b>
<b>Approved By: OSU Legal Counsel</b>	<b>Revised: 7/1/2013</b>

### **PURPOSE:**

To identify how long OSU must comply with HIPAA in regards to deceased individuals.

### **POLICY:**

OSU must comply with the requirements of the Privacy Rule with respect to the protected health information of a deceased individual for a period of 50 years following the death of the individual.  
*§164.502(f)*

If under applicable law an executor, administrator, or other person has authority to act on behalf of a deceased individual or of the individual's estate, OSU must treat such person as a personal representative under the Privacy Rule, with respect to protected health information relevant to such personal representation. *§164.502(g)(4)*

### **PROCEDURE:**

OSU will keep all decedent patient protected health information private and secure in accordance with the Privacy Rule for 50 years past the date of death.

If an executor, administrator, or other person that has authority to act on behalf of a deceased individual or of the individual's estate, OSU will recognize that individual as a personal representative of the deceased.

OSU staff should make every reasonable effort to obtain assurance that the individual is indeed a personal representative.

If the deceased has made known through surviving documentation of their wishes to not allow specified individuals access to the deceased's medical information, OSU is obligated under HIPAA to honor such requests.

### **REFERENCE:**

PRV-06.07 Uses and Disclosures about Decedents, Cadaveric Organ, Eye, or Tissue Donation Purposes