



## Oklahoma State University

<b>Title: Abuse, Neglect, Endangerment Situations</b>	<b>Policy #: PRV-01.14</b>
<b>Category: HIPAA Compliance</b>	<b>Authority: 45 CFR HIPAA SECTION: § 164.502(g)(5)</b>
<b>Standard: Personal Representatives</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 OSU will handle situations that arise out of Abuse, Neglect, or Endangerment Situations and PHI.

### **POLICY:**

Notwithstanding a State law or any requirement of this policy to the contrary, OSU may elect not to treat a person as the personal representative of an individual if: *§164.502(g)(5)*

- 1) OSU has a reasonable belief that: *§164.502(g)(5)(i)*
  - a) The individual has been or may be subjected to domestic violence, abuse, or neglect by such person; or *§164.502(g)(5)(i)(A)*
  - b) Treating such person as the personal representative could endanger the individual; and *§164.502(g)(5)(i)(B)*
- 2) OSU, in the exercise of professional judgment, decides that it is not in the best interest of the individual to treat the person as the individual's personal representative. *§164.502(g)(5)(ii)*

### **PROCEDURE:**

If a physician or other agent of OSU feels that the patient may be subject to Abuse, Neglect or Endangerment Situations, and due to the individual purporting to be a personal representative of the patient, OSU is under NO obligation to treat the individual as such.

Under the direction of the attending physician, Staff should assist the attending physician in treatment of the patient without the individual who is suspected of Abuse, Neglect or Endangerment Situations present.

The attending physician is obligated to report any such cases to the Oklahoma Department of Human Services and any other required agency to which one would report such occurrences without delay.