



Oklahoma State University

Title: Disclosures by Whistleblowers	Policy #: PRV-01.16
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.502(j)(1)
Standard: Disclosures by Whistleblowers and Workforce Member Crime Victims	Responsibility: Health Care Components
Effective Date: 4/14/2003	Page 1 of 2
Approved By: OSU Legal Counsel	Revised: 7/1/2013

PURPOSE:

To identify what constitutes a disclosure in relation to whistleblowers.

POLICY:

OSU is not considered to have violated the requirements of the Privacy Rule if a member of its workforce or a business associate discloses protected health information, provided that: §164.502(j)(1)

1. The workforce member or business associate believes in good faith that the covered entity has engaged in conduct that is unlawful or otherwise violates professional or clinical standards, or that the care, services, or conditions provided by the covered entity potentially endangers one or more patients, workers, or the public; and §164.502(j)(1)(i)
2. The disclosure is to:
 - a. A health oversight agency or public health authority authorized by law to investigate or otherwise oversee the relevant conduct or conditions of OSU or to an appropriate health care accreditation organization for the purpose of reporting the allegation of failure to meet professional standards or misconduct by OSU; or §164.502(j)(1)(i)(A)
 - b. An attorney retained by or on behalf of the workforce member or business associate for the purpose of determining the legal options of the workforce member or business associate with regard to the conduct described in paragraph 1 (one) of this section. §164.502(j)(1)(i)(B)

PROCEDURE:

Any disclosures made by whistleblowers that meet the above criteria are not considered inappropriate and therefore deemed legal.

Any disclosures made by whistleblowers that do not meet the above criteria will be deemed inappropriate, and breach notification policies will then be followed.

OSU does not tolerate retaliation in any form. OSU and its agents will not retaliate against any employee or other individual that is deemed a Whistleblower.

Any such retaliation will be dealt with according to the Sanctions Policy and any legal means necessary.



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REFERENCE:

SEC-01.03 Sanctions Policy