



Oklahoma State University

Title: General Requirements	Policy #: PRV-04.03
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.508(b)
Standard: Authorizations for Uses and Disclosures	Responsibility: Health Care Components
Effective Date: 4/14/2003	Page 1 of 3
Approved By: OSU Legal Counsel	Revised: 7/1/2013

PURPOSE:

To establish the general requirements for authorizations regarding individuals and their medical information.

POLICY:

Valid Authorizations – A valid authorization is a document that meets the requirements of Marketing Authorizations, Sale of Protected Health Information Authorizations, and contains the core elements and requirements (PRV-04.04) as applicable. *§164.508(b)(1)(i)*

A valid authorization may contain elements or information in addition to the elements required by §164.508, provided that such additional elements or information are not inconsistent with the elements required by §164.508. *§164.508(b)(1)(ii)*

Defective Authorizations – An authorization is not valid, if the document submitted has any of the following defects: *§164.508(b)(2)*

1. The expiration date has passed or the expiration event is known the OSU to have occurred; *§164.508(b)(2)(i)*
2. The authorization has not been filled out completely, with respect to an element described by the “Core Elements and Requirements” of authorizations, if applicable; *§164.508(b)(2)(ii)*
3. The authorization is known by OSU to have been revoked; *§164.508(b)(2)(iii)*
4. The authorization violates Compound Authorizations or Prohibition on conditioning of authorizations, if applicable; *§164.508(b)(2)(iv)*
5. Any material information in the authorization is known by OSU to be false. *§164.508(b)(2)(v)*

Compound Authorizations – An authorization for use or disclosure of protected health information may not be combined with any other document to create a compound authorization, except as follows: *§164.508(b)(3)*

1. An authorization for the use or disclosure of protected health information for a research study may be combined with any other type of written permission for the same or another research study. This exception includes combining an authorization for the use or disclosure of protected health



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information for a research study with another authorization for the same research study, with an authorization for the creation or maintenance of a research database or repository, or with a consent to participate in research. Where a OSU health care provider has conditioned the provision of research-related treatment on the provision of one of the authorizations, as permitted under paragraph (b)(4)(i) *Prohibition on conditioning of authorizations* of this section, any compound authorization created under this paragraph must clearly differentiate between the conditioned and unconditioned components and provide the individual with an opportunity to opt in to the research activities described in the unconditioned authorization. §164.508(b)(3)(i)

2. An authorization for a use or disclosure of psychotherapy notes may only be combined with another authorization for a use or disclosure of psychotherapy notes. §164.508(b)(3)(ii)
3. An authorization under this section, other than an authorization for a use or disclosure of psychotherapy notes, may be combined with any other such authorization under this section, except when OSU has conditioned the provision of treatment, payment, enrollment in the health plan, or eligibility for benefits under paragraph (b)(4) *Prohibition on conditioning of authorizations* of this section on the provision of one of the authorizations. The prohibition in this paragraph on combining authorizations where one authorization conditions the provision of treatment or payment under paragraph (b)(4) *Prohibition on conditioning of authorizations* of this section does not apply to a compound authorization created in accordance with paragraph 1 of this section of this policy. §164.508(b)(3)(iii)

Prohibition on Conditioning of Authorizations – OSU may not condition the provision to an individual of treatment, payment or eligibility of benefits on the provision of an authorization, except; §164.508(b)(4)

1. An OSU health care provider may condition the provision of research-related treatment on provision of an authorization for the use or disclosure of protected health information for such research under this section; §164.508(b)(4)(i)
2. The authorization is not for a use or disclosure of psychotherapy notes under paragraph policy PRV-04.02; and §164.508(b)(4)(ii)(B)
3. OSU may condition the provision of health care that is solely for the purpose of creating protected health information for disclosure to a third party on provision of an authorization for the disclosure of the protected health information to such third party. §164.508(b)(4)(iii)

Revocation of Authorizations – An individual may revoke an authorization provided under this section of policies PRV-04.XX at any time, provided that the revocation is in writing, except to the extent that: §164.508(b)(5)



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1. OSU has taken action in reliance thereon; or §164.508(b)(5)(i)
2. If the authorization was obtained as a condition of obtaining insurance coverage, other law provides the insurer with the right to contest a claim under the policy or the policy itself. §164.508(b)(5)(ii)

Documentation – OSU must document and retain any signed authorization under these authorization policies (PRV-04.XX) as required by §164.530(j) *Documentation*. §164.508(b)(6)

PROCEDURE:

- OSU faculty and staff will follow the above policy in regards to authorizations.
- OSU faculty and staff will document all authorizations and place such authorizations in the patient's medical record. If a paper document exists, it will be scanned into the Electronic Health Records system
- OSU employees working with individuals to authorize or release information shall use the [Authorization/Revocation Form](#). This form shall also be used when an individual wishes to revoke an existing valid authorization.
- The authorization/revocation form is to be completed in its entirety before any authorization is to be recognized as valid.
- Research is the only department allowed to do compound authorizations, and must follow the policy above.