



Oklahoma State University

Title: Use and Disclosures for Involvement in the Individual's Care and Notification Purposes	Policy #: PRV-05.02
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.510(b)
Standard: Uses and Disclosures requiring an opportunity for the individual to agree or to object	Responsibility: Health Care Components
Effective Date: 4/14/2003	Page 1 of 3
Approved By: OSU Legal Counsel	Revised: 7/1/2013

PURPOSE:

To identify what types of uses and disclosures are needed for the individual's care.

POLICY:

OSU may use or disclose protected health information, provided that the individual is informed in advance of the use or disclosure and has the opportunity to agree to or prohibit or restrict the use or disclosure, in accordance with the applicable requirements of this policy. OSU may orally inform the individual of and obtain the individual's oral agreement or objection to a use or disclosure permitted by this policy. *§164.510*

Permitted Uses and Disclosures – OSU in accordance with the Uses and Disclosures with the Individual Present, Limited Uses and Disclosures when the Individual in not Present, or Uses and Disclosures when the individual is Deceased sections of this policy may disclose to a family member, other relative, or a close personal friend of the individual, or any other person identified by the individual, the protected health information directly relevant to such person's involvement with the individual's health care or payment related to the individual's health care. *§164.510(b)(1)(i)*

OSU may use or disclose protected health information to notify, or assist in the notification of (including identifying or locating), a family member, a personal representative of the individual, or another person responsible for the care of the individual of the individual's location, general condition, or death. Any such use or disclosure of protected health information for such notification purposes must be in accordance with the Uses and Disclosures with the Individual Present, Limited Uses and Disclosures when the Individual in not Present, or Uses and Disclosures when the Individual is Deceased sections of this policy, as applicable. *§164.510(b)(1)(ii)*

Uses and Disclosures with the Individual Present - If the individual is present for, or otherwise available prior to, a use or disclosure permitted by the Permitted Uses and Disclosures Section of this Policy and has the capacity to make health care decisions, OSU may use or disclose the protected health information if it: *§164.510(b)(2)*

1. Obtains the individual's agreement; *§164.510(b)(2)(i)*



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2. Provides the individual with the opportunity to object to the disclosure, and the individual does not express an objection; or §164.510(b)(2)(ii)
3. Reasonably infers from the circumstances, based on the exercise of professional judgment, that the individual does not object to the disclosure. §164.510(b)(2)(iii)

Limited Uses and Disclosures When the Individual is not Present - If the individual is not present, or the opportunity to agree or object to the use or disclosure cannot practicably be provided because of the individual's incapacity or an emergency circumstance, OSU may, in the exercise of professional judgment, determine whether the disclosure is in the best interests of the individual and, if so, disclose only the protected health information that is directly relevant to the person's involvement with the individual's care or payment related to the individual's health care or needed for notification purposes. OSU may use professional judgment and its experience with common practice to make reasonable inferences of the individual's best interest in allowing a person to act on behalf of the individual to pick up filled prescriptions, medical supplies, X-rays, or other similar forms of protected health information. §164.510(b)(3)

Uses and Disclosures for Disaster Relief Purposes - OSU may use or disclose protected health information to a public or private entity authorized by law or by its charter to assist in disaster relief efforts, for the purpose of coordinating with such entities the uses or disclosures permitted by the Permitted Uses and Disclosures section of this policy. The requirements in paragraphs *Uses and Disclosures with the Individual Present*, *Limited Uses and Disclosure when the Individual is not Present*, and *Uses and disclosures when the individual is Deceased* of this policy apply to such uses and disclosures to the extent that OSU, in the exercise of professional judgment, determines that the requirements do not interfere with the ability to respond to the emergency circumstances. §164.510(b)(4)

Uses and Disclosures when the Individual is Deceased - If the individual is deceased, OSU may disclose to a family member, or other persons identified in the Permitted Uses and Disclosures section of this policy who were involved in the individual's care or payment for health care prior to the individual's death, protected health information of the individual that is relevant to such person's involvement, unless doing so is inconsistent with any prior expressed preference of the individual that is known to the covered entity. §164.510(b)(5)



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PROCEDURE:

OSU will follow the above policy

OSU will seek to obtain patient authorization for any uses and disclosures where one is needed as stated in the policy above.

In instances where the patient is not present or available to make such authorizations, the employee will use their best judgment in determining to use or disclose information.