



Oklahoma State University

Title: Disclosures About Victims of Abuse, Neglect or Domestic Violence	Policy #: PRV-06.03
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.512(c)
Standard: Disclosures About Victims of Abuse, Neglect or Domestic Violence	Responsibility: Health Care Components
Effective Date: 4/14/2003	Page 1 of 2
Approved By: OSU Legal Counsel	Revised: 7/01/2013

PURPOSE:

To identify when OSU must disclose information as required for victims of abuse, neglect or domestic violence.

POLICY:

Permitted Disclosures - Except for reports of child abuse or neglect permitted by a public health authority or other appropriate government authority authorized by law to receive reports of child abuse or neglect, OSU may disclose protected health information about an individual whom OSU reasonably believes to be a victim of abuse, neglect, or domestic violence to a government authority, including a social service or protective services agency, authorized by law to receive reports of such abuse, neglect, or domestic violence: *§164.512(c)(1)*

1. To the extent the disclosure is required by law and the disclosure complies with and is limited to the relevant requirements of such law; *§164.512(c)(1)(i)*
2. If the individual agrees to the disclosure; or *§164.512(c)(1)(ii)*
3. To the extent the disclosure is expressly authorized by statute or regulation and: *§164.512(c)(1)(iii)*
 - a. OSU in the exercise of professional judgment, believes the disclosure is necessary to prevent serious harm to the individual or other potential victims; or *§164.512(c)(1)(iii)(A)*
 - b. If the individual is unable to agree because of incapacity, a law enforcement or other public official authorized to receive the report represents that the protected health information for which disclosure is sought is not intended to be used against the individual and that an immediate enforcement activity that depends upon the disclosure would be materially and adversely affected by waiting until the individual is able to agree to the disclosure. *§164.512(c)(1)(iii)(B)*

Informing the Individual – If OSU makes a disclosure permitted under the “Permitted Disclosures” section of this policy, then OSU must promptly inform the individual that such a report has been or will be made, except if: *§164.512(c)(2)*

1. OSU in the exercise of professional judgment, believes informing the individual would place the individual at risk of serious harm; or *§164.512(c)(2)(i)*



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2. OSU would be informing a personal representative, and OSU reasonably believes the personal representative is responsible for the abuse, neglect, or other injury, and that informing such person would not be in the best interests of the individual as determined by OSU, in the exercise of professional judgment. §164.512(c)(2)(ii)

PROCEDURE:

OSU will report any known or suspect instances of abuse, neglect or domestic violence to the appropriate authorities in the exercise of professional judgment.

All reports to the appropriate authorities will be made by the attending physician or by the clinic supervisor or other documented designee.

Upon report to the appropriate authorities, other than the exceptions as stated in sections 1 & 2 of *Informing the Individual*, the attending physician shall communicate to the individual, (verbal communication to the individual is permitted) however, the disclosure still must be documented in the patient's medical record except where prohibited by law.