



## Oklahoma State University

<b>Title: Uses and Disclosures to Avert a Serious Threat to Health or Safety</b>	<b>Policy #: PRV-06.09</b>
<b>Category: HIPAA Compliance</b>	<b>Authority: 45 CFR § HIPAA SECTION: 164.512(j)</b>
<b>Standard: Uses and Disclosures to Avert a Serious Threat to Health or Safety</b>	<b>Responsibility: Health Care Components</b>
<b>Effective Date: 4/14/2003</b>	<b>Page 1 of 3</b>
<b>Approved By: OSU Legal Counsel</b>	<b>Revised: 7/1/2013</b>

### PURPOSE:

To make known what options OSU has when an individual(s) potentially pose a serious threat to health or safety of themselves, or others.

### POLICY:

1. **Permitted Disclosures** – OSU may, consistent with applicable law and standards of ethical conduct, use or disclose protected health information, if OSU, in good faith, believes the use or disclosure:  
*§164.512(j)(1)*
    - i. Is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public; and *§164.512(j)(1)(i)(A)*
    - ii. Is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat; or *§164.512(j)(1)(i)(B)*
  - a. Is necessary for law enforcement authorities to identify or apprehend an individual:  
*§164.512(j)(1)(ii)*
    - a. Because of a statement by an individual admitting participation in a violent crime that OSU reasonably believes may have caused serious physical harm to the victim; or *§164.512(j)(1)(ii)(A)*
    - b. Where it appears from all the circumstances that the individual has escaped from a correctional institution or from lawful custody, as those terms are defined in §164.501 Definitions. *§164.512(j)(1)(ii)(B)*
2. **Use or Disclosure Not Permitted** - A use or disclosure pursuant to paragraph (1)(a)(a) of this policy may not be made if the information described in paragraph (1)(a)(a) of this policy is learned by OSU: *§164.512(j)(2)*
  - a. In the course of treatment to affect the propensity to commit the criminal conduct that is the basis for the disclosure under paragraph (1)(a)(a) of this policy, or counseling or therapy; or *§164.512(j)(2)(i)*
  - b. Through a request by the individual to initiate or to be referred for the treatment, counseling, or therapy described in paragraph (2)(a) of this policy. *§164.512(j)(2)(ii)*



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3. **Limit On Information That May Be Disclosed** - A disclosure made pursuant to paragraph (1)(a)(a) of this policy shall contain only the statement described in paragraph (1)(a)(a) of this policy and the protected health information described below: §164.512(j)(3)
  - a. Name and address; §164.512(f)(2)(i)(A)
  - b. Date and place of birth; §164.512(f)(2)(i)(B)
  - c. Social security number; §164.512(f)(2)(i)(C)
  - d. ABO blood type and rh factor; §164.512(f)(2)(i)(D)
  - e. Type of injury; §164.512(f)(2)(i)(E)
  - f. Date and time of treatment; §164.512(f)(2)(i)(F)
  - g. Date and time of death, if applicable; and §164.512(f)(2)(i)(G)
  - h. A description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and tattoos. §164.512(f)(2)(i)(H)
4. **Presumption of Good Faith Belief** – If OSU uses or discloses protected health information pursuant to paragraph (1) of this Policy is presumed to have acted in good faith with regard to a belief described in paragraph (1)(i) or (1)(ii) of this policy, if the belief is based upon OSU's actual knowledge or in reliance on a credible representation by a person with apparent knowledge or authority. §164.512(j)(4)

### PROCEDURE:

When an OSU provider believes in good faith that such a warning is necessary to prevent or lessen a serious and imminent threat to the health or safety of the patient or others, the Privacy Rule allows the provider, consistent with applicable law and standards of ethical conduct, to alert those persons whom the provider believes are reasonably able to prevent or lessen the threat.

OSU shall report to the proper authorities or law enforcement agencies, in accordance with the above policy, individuals who meet the standards listed above. Such proper authorities or law enforcement officials include but are not limited to: Police, parent or other family member, school administrators or campus police, and others who may be able to intervene to avert harm from the threat.

The OSU provider who suspects such danger, will use their best judgment in determining if an individual poses any such threat or danger in reliance on a credible representation by a person with apparent



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knowledge or authority. The OSU provider may consult with other OSU providers, OSU legal counsel, Administration, and/or the Compliance Department in determining the best course of action.

The individual's name and other identifying indicators shall not be used other than by the individual's OSU physician when in the course of determining an appropriate course of action when consulting with other appropriate OSU agents.

The OSU provider who suspects possible danger or threats should not delay in seeking an appropriate course of action, and should make every effort to avert the threat upon due diligence of looking into the matter.

### REFERENCE:

[Letter to Nation's Health Care Providers. January 15, 2013 Office for Civil Rights, Department of Health & Human Services Director Leon Rodriguez](#)