



## Oklahoma State University

<b>Title: Uses and Disclosures for Specialized Government Functions</b>	<b>Policy #: PRV-06.10</b>
<b>Category: HIPAA Compliance</b>	<b>Authority: 45 CFR § HIPAA SECTION: 164.512(k)</b>
<b>Standard: Uses and Disclosures for Specialized Government Functions</b>	<b>Responsibility: Health Care Components</b>
<b>Effective Date: 4/14/2003</b>	<b>Page 1 of 4</b>
<b>Approved By: OSU Legal Counsel</b>	<b>Revised: 7/1/2013</b>

### PURPOSE:

To identify when OSU may use or disclose protected health information in regards to special Government and Military functions.

### POLICY:

- Military and Veterans Activities – Armed Forces Personnel.** OSU may use and disclose the protected health information of individuals who are Armed Forces personnel for activities deemed necessary by appropriate military command authorities to assure the proper execution of the military mission, if the appropriate military authority has published by notice in the FEDERAL REGISTER the following information: *§164.512(k)(1)(i)*
  - Appropriate military command authorities; and *§164.512(k)(1)(i)(A)*
  - The purposes for which the protected health information may be used or disclosed. *§164.512(k)(1)(i)(B)*
- Separation or Discharge from Military Service** – A Covered Entity that is a component of the Departments of Defense or Homeland Security may disclose to the Department of Veterans Affairs (DVA) the protected health information of an individual who is a member of the Armed Forces upon the separation or discharge of the individual from military service for the purpose of a determination by DVA of the individual's eligibility for or entitlement to benefits under laws administered by the Secretary of Veterans Affairs. *§164.512(k)(1)(ii)*
- Veterans** - A covered entity that is a component of the Department of Veterans Affairs may use and disclose protected health information to components of the Department that determine eligibility for or entitlement to, or that provide, benefits under the laws administered by the Secretary of Veterans Affairs. *§164.512(k)(1)(iii)*
- Foreign Military Personnel** - A covered entity may use and disclose the protected health information of individuals who are foreign military personnel to their appropriate foreign military authority for the same purposes for which uses and disclosures are permitted for Armed Forces personnel under the notice published in the FEDERAL REGISTER pursuant to paragraph 1 of this policy. *§164.512(k)(1)(iv)*
- National Security and Intelligence Activities** – OSU may disclose protected health information to authorized federal officials for the conduct of lawful intelligence, counter-intelligence, and other



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national security activities authorized by the National Security Act (50 U.S.C. 401, *et seq.*) and implementing authority ( *e.g.*, Executive Order 12333). §164.512(k)(2)

6. **Protective Services for the President and Others** – OSU may disclose protected health information to authorized Federal officials for the provision of protective services to the President or other persons authorized by 18 U.S.C. 3056 or to foreign heads of state or other persons authorized by 22 U.S.C. 2709(a)(3), or for the conduct of investigations authorized by 18 U.S.C. 871 and 879. §164.512(k)(3)
7. **Medical Suitability Determinations** - A covered entity that is a component of the Department of State may use protected health information to make medical suitability determinations and may disclose whether or not the individual was determined to be medically suitable to the officials in the Department of State who need access to such information for the following purposes: §164.512(k)(4)
  - a. For the purpose of a required security clearance conducted pursuant to Executive Orders 10450 and 12968; §164.512(k)(4)(i)
  - b. As necessary to determine worldwide availability or availability for mandatory service abroad under sections 101(a)(4) and 504 of the Foreign Service Act; or §164.512(k)(4)(ii)
  - c. For a family to accompany a Foreign Service member abroad, consistent with section 101(b)(5) and 904 of the Foreign Service Act. §164.512(k)(4)(iii)
8. **Correctional Institutions and Other Law Enforcement Custodial Situations** –
  1. Permitted Disclosures. OSU may disclose to a correctional institution or a law enforcement official having lawful custody of an inmate or other individual protected health information about such inmate or individual, if the correctional institution or such law enforcement official represents that such protected health information is necessary for: §164.512(k)(5)(i)
    - a. The provision of health care to such individuals; §164.512(k)(5)(i)(A)
    - b. The health and safety of such individual or other inmates; §164.512(k)(5)(i)(B)
    - c. The health and safety of the officers or employees of or others at the correctional institution; §164.512(k)(5)(i)(C)
    - d. The health and safety of such individuals and officers or other persons responsible for the transporting of inmates or their transfer from one institution, facility, or setting to another; §164.512(k)(5)(i)(D)
    - e. Law enforcement on the premises of the correctional institution; or §164.512(k)(5)(i)(E)
    - f. The administration and maintenance of the safety, security, and good order of the correctional institution. §164.512(k)(5)(i)(F)



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<b>Effective Date: 4/14/2003</b>	<b>Page 3 of 4</b>
<b>Approved By: OSU Legal Counsel</b>	<b>Revised: 7/1/2013</b>

2. Permitted Uses - A covered entity that is a correctional institution may use protected health information of individuals who are inmates for any purpose for which such protected health information may be disclosed. *§164.512(k)(5)(ii)*
3. No Application After Release - For the purposes of this provision, an individual is no longer an inmate when released on parole, probation, supervised release, or otherwise is no longer in lawful custody. *§164.512(k)(5)(iii)*
9. **Covered Entities That Are Government Programs Providing Public Benefits –**
  - A. A health plan that is a government program providing public benefits may disclose protected health information relating to eligibility for or enrollment in the health plan to another agency administering a government program providing public benefits if the sharing of eligibility or enrollment information among such government agencies or the maintenance of such information in a single or combined data system accessible to all such government agencies is required or expressly authorized by statute or regulation. *§164.512(k)(6)(i)*
  - B. A covered entity that is a government agency administering a government program providing public benefits may disclose protected health information relating to the program to another covered entity that is a government agency administering a government program providing public benefits if the programs serve the same or similar populations and the disclosure of protected health information is necessary to coordinate the covered functions of such programs or to improve administration and management relating to the covered functions of such programs. *§164.512(k)(6)(ii)*

### PROCEDURE:

OSU does not act or currently have components in its health care organization that would qualify as:

1. A component of the Departments of Defense or Homeland Security
2. A component of the Department of Veterans Affairs
3. A component of the Department of State
4. A Health Plan

Any need to use or disclose protected health information under the above 4 categories for purposes of this policy do not apply to OSU and its health care components. Should at any time OSU and any of its components qualify or considered to be categorized under any or all of the 4 above mentioned components, this policy would then immediately apply.



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Sections 1, 4, 5, 6, and 8 Apply to all health care components of OSU at all times. All uses and disclosures will follow the above policy in regards to Federal Government, Armed Forces or Correctional Institutions and Inmates.