



## Oklahoma State University

<b>Title: Verification</b>	<b>Policy #: PRV-07.08</b>
<b>Category: HIPAA Compliance</b>	<b>Authority: 45 CFR § HIPAA SECTION: 164.514(h)(1)</b>
<b>Standard: Verification Requirements</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 identify the rules of verifying identities of those seeking protected health information.

### POLICY:

1. Prior to any disclosure permitted by this subpart, The Privacy Rule, OSU must: *§164.514(h)(1)*
  - a. Except with respect to disclosures under § 164.510 *Uses and Disclosures Requiring an Opportunity for the Individual to Agree or Object*, verify the identity of a person requesting protected health information and the authority of any such person to have access to protected health information under the Privacy Rule, if the identity or any such authority of such person is not known to OSU; and *§164.514(h)(1)(i)*
  - b. Obtain any documentation, statements, or representations, whether oral or written, from the person requesting the protected health information when such documentation, statement, or representation is a condition of the disclosure under the Privacy Rule. *§164.514(h)(1)(ii)*
2. Verification –
  - a. Conditions on Disclosures - If a disclosure is conditioned by the Privacy Rule on particular documentation, statements, or representations from the person requesting the protected health information, OSU may rely, if such reliance is reasonable under the circumstances, on documentation, statements, or representations that, on their face, meet the applicable requirements. *§164.514(h)(2)(i)*
    - i. The conditions in §164.512(f)(1)(ii)(C) may be satisfied by the administrative subpoena or similar process or by a separate written statement that, on its face, demonstrates that the applicable requirements have been met. *§164.514(h)(2)(i)(A)*
    - ii. The documentation required by § 164.512(i)(2) may be satisfied by one or more written statements, provided that each is appropriately dated and signed in accordance with § 164.512(i)(2)(i) and (v). *§164.514(h)(2)(i)(B)*
  - b. Identity of Public Officials – OSU may rely, if such reliance is reasonable under the circumstances, on any of the following to verify identity when the disclosure of protected health information is to a public official or a person acting on behalf of the public official: *§164.514(h)(2)(ii)*
    - i. If the request is made in person, presentation of an agency identification badge, other official credentials, or other proof of government status; *§164.514(h)(2)(ii)(A)*



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- ii. If the request is in writing, the request is on the appropriate government letterhead; or §164.514(h)(2)(ii)(B)
- iii. If the disclosure is to a person acting on behalf of a public official, a written statement on appropriate government letterhead that the person is acting under the government's authority or other evidence or documentation of agency, such as a contract for services, memorandum of understanding, or purchase order, that establishes that the person is acting on behalf of the public official. §164.514(h)(2)(ii)(C)
- c. Authority of Public Officials – OSU may rely, if such reliance is reasonable under the circumstances, on any of the following to verify authority when the disclosure of protected health information is to a public official or a person acting on behalf of the public official: §164.514(h)(2)(iii)
  - i. A written statement of the legal authority under which the information is requested, or, if a written statement would be impracticable, an oral statement of such legal authority; §164.514(h)(2)(iii)(A)
  - ii. If a request is made pursuant to legal process, warrant, subpoena, order, or other legal process issued by a grand jury or a judicial or administrative tribunal is presumed to constitute legal authority. §164.514(h)(2)(iii)(B)
- d. Exercise of Professional Judgment - The verification requirements of this paragraph are met if OSU relies on the exercise of professional judgment in making a use or disclosure in accordance with § 164.510 or acts on a good faith belief in making a disclosure in accordance with § 164.512(j). §164.514(h)(2)(iv)

### PROCEDURE:

1. OSU will take reasonable steps to verify an outsider's identity prior to release of PHI if the outsider is not known to OSU staff. Acceptable documentation includes a driver's license, student ID, requiring the outsider to provide certain personal information such as a date of birth or insurance ID number. For vendor access to EPHI, acceptable verification includes provision of account number and/or key words identified by the HIPAA compliance office.
2. OSU will take reasonable steps to verify an outsiders authority to have access to a patient's PHI if it is not known whether the outsider has such authority. For instance, it may be required to determine the existence of a power of attorney or marital status.
3. It is not necessary to verify identity of an outsider seeking directory information.



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4. It is not necessary to verify the identity of any known or documented person involved in the current health care of the patient, such as a family member or other relative, close friend or any other person identified by the patient. Examples include:

- Blood relative
- Spouse
- Boyfriend/girlfriend
- Domestic partner
- Neighbor
- Colleague

Such disclosures to the above persons should be made upon the exercise of professional judgment.

5. A public official or someone acting on the official's behalf may ask for PHI. In these cases, OSU will rely on the following items to verify the identity of the requestor, if such request is made in person:

- Agency ID
- Official credentials
- Other proof of government status, (letter on letterhead)

If the request is made in writing, OSU will rely on the following items to verify the identity of the requestor:

- Appropriate government letterhead
- A written statement on the appropriate letterhead that the person making the request is acting under the government's authority
- Other confirmatory documentation

6. If a public official or someone acting on the official's behalf requests disclosure of PHI, OSU may rely on the following:
- A warrant, subpoena or court order issued by a grand jury or judicial official
  - A written statement on government letterhead describing the legal authority under which the request is made
  - The good faith statement by the official that the information is needed to avert risk of the health or safety of a person or the public.