



Oklahoma State University

Title: Notice of Privacy Practices	Policy #: PRV-08.01
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.520(a)
Standard: Notice of Privacy Practices	Responsibility: Health Care Components
Effective Date: 4/14/2003	Page 1 of 4
Approved By: OSU Legal Counsel	Revised: 7/1/2013

PURPOSE:

To establish and identify the requirements for the Notice.

POLICY:

1. Right to Notice - Except as provided by paragraph (a)(2) or (3) of this section, an individual has a right to adequate notice of the uses and disclosures of protected health information that may be made by OSU, and of the individual's rights and OSU's legal duties with respect to protected health information. §164.520(a)(1)
2. Exception for Inmates - An inmate does not have a right to notice under this policy, and the requirements of this section do not apply to a correctional institution that is a covered entity. §164.520(a)(3)
3. Content of Notice –
 - a. Required Elements – OSU must provide a notice that is written in plain language and that contains the elements required by this policy. §164.520(b)(1)
 - i. Header - The notice must contain the following statement as a header or otherwise prominently displayed: **“THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.”** §164.520(b)(1)(i)
 - ii. Uses and Disclosures – The notice must contain: §164.520(b)(1)(ii)
 1. A description, including at least one example, of the types of uses and disclosures that OSU is permitted by the Privacy Rule to make for each of the following purposes: treatment, payment, and health care operations. §164.520(b)(1)(ii)(A)
 2. A description of each of the other purposes for which OSU is permitted or required by the Privacy Rule to use or disclose protected health information without the individual's written authorization. §164.520(b)(1)(ii)(B)
 3. If a use or disclosure for any purpose described in paragraphs (3)(a)(ii)(1) or (2) of this section is prohibited or materially limited by other applicable law, the description of such use or disclosure must reflect the more stringent law as defined in §160.202 *Preemption of State Law Definitions*. §164.520(b)(1)(ii)(C)



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4. For each purpose described in paragraph (b)(1)(ii)(A) or (B) of this section, the description must include sufficient detail to place the individual on notice of the uses and disclosures that are permitted or required by this subpart and other applicable law. *§164.520(b)(1)(ii)(D)*
5. A description of the types of uses and disclosures that require an authorization under § 164.508(a)(2)-(a)(4), a statement that other uses and disclosures not described in the notice will be made only with the individual's written authorization, and a statement that the individual may revoke an authorization as provided by § 164.508(b)(5). *§164.520(b)(1)(ii)(E)*
- iii. Separate Statements for Certain Uses or Disclosures – If OSU intends to engage in any of the following activities, the description required by paragraph (3)(A)(ii)(1) of this policy must include a separate statement informing the individual of such activities, as applicable: *§164.520(b)(1)(iii)*
 1. In accordance with § 164.514(f)(1), OSU may contact the individual to raise funds for the covered entity and the individual has a right to opt out of receiving such communications; *§164.520(b)(1)(iii)(A)*
 2. In accordance with § 164.504(f), the group health plan, or a health insurance issuer or HMO with respect to a group health plan, may disclose protected health information to the sponsor of the plan; or *§164.520(b)(1)(iii)(B)*
 3. If a covered entity that is a health plan, excluding an issuer of a long-term care policy falling within paragraph (1)(viii) of the definition of *health plan*, intends to use or disclose protected health information for underwriting purposes, a statement that the covered entity is prohibited from using or disclosing protected health information that is genetic information of an individual for such purposes. *§164.520(b)(1)(iii)(C)*
- iv. Individual Rights - The notice must contain a statement of the individual's rights with respect to protected health information and a brief description of how the individual may exercise these rights, as follows: *§164.520(b)(1)(iv)*
 1. The right to request restrictions on certain uses and disclosures of protected health information as provided by § 164.522(a), including a statement that the covered entity is not required to agree to a requested restriction, except in case of a disclosure restricted under § 164.522(a)(1); *§164.520(b)(1)(iv)(A)*
 2. The right to receive confidential communications of protected health information as provided by § 164.522(b), as applicable; *§164.520(b)(1)(iv)(B)*



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Effective Date: 4/14/2003	Page 3 of 4
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3. The right to inspect and copy protected health information as provided by § 164.524; §164.520(b)(1)(iv)(C)
4. The right to amend protected health information as provided by § 164.526; §164.520(b)(1)(iv)(D)
5. The right to receive an accounting of disclosures of protected health information as provided by § 164.528; and §164.520(b)(1)(iv)(E)
6. The right of an individual, including an individual who has agreed to receive the notice electronically in accordance with paragraph (c)(3) of this section, to obtain a paper copy of the notice from the covered entity upon request. §164.520(b)(1)(iv)(F)
- v. Covered Entity's Duties – The notice must contain: §164.520(b)(1)(v)
 1. A statement that OSU is required by law to maintain the privacy of protected health information, to provide individuals with notice of its legal duties and privacy practices with respect to protected health information, and to notify affected individuals following a breach of unsecured protected health information; §164.520(b)(1)(v)(A)
 2. A statement that OSU is required to abide by the terms of the notice currently in effect; and §164.520(b)(1)(v)(B)
 3. For OSU to apply a change in a privacy practice that is described in the notice to protected health information that OSU created or received prior to issuing a revised notice, in accordance with § 164.530(i)(2)(ii), a statement that it reserves the right to change the terms of its notice and to make the new notice provisions effective for all protected health information that it maintains. The statement must also describe how it will provide individuals with a revised notice. §164.520(b)(1)(v)(C)
- vi. Complaints - The notice must contain a statement that individuals may complain to OSU and to the Secretary if they believe their privacy rights have been violated, a brief description of how the individual may file a complaint with OSU, and a statement that the individual will not be retaliated against for filing a complaint. §164.520(b)(1)(vi)
- vii. Contact - The notice must contain the name, or title, and telephone number of a person or office to contact for further information as required by § 164.530(a)(1)(ii). §164.520(b)(1)(vii)



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- viii. Effective Date - The notice must contain the date on which the notice is first in effect, which may not be earlier than the date on which the notice is printed or otherwise published. §164.520(b)(1)(viii)

PROCEDURE:

1. OSU recognizes that every patient has a right to receive the Notice of Privacy Practices, except as defined in paragraph 2 of this policy.
2. The HIPAA Compliance Office will be in charge of maintaining and keeping the Notice up to date with all Federal and State requirements.
3. The HIPAA Compliance Office will ensure the Notice meets the applicable requirements of this policy.
4. OSU does not operate or manage a health plan, therefore all health plan requirements are not applicable to OSU.
5. It is the responsibility of the HIPAA Compliance Officer to ensure all clinic locations are giving patients the most up to date version of the Notice.
6. The Notice shall have the revised date in the header section for easy identification.
7. The Notice shall be placed conspicuously on the OSU HIPAA website.

REFERENCE:

Notice of Privacy Practices