



Oklahoma State University

Title: Provision of Access	Policy #: PRV-10.03
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.524(c)
Standard: Access of Individuals to Protected Health Information	Responsibility: Health Care Components
Effective Date: 4/14/2003	Page 1 of 3
Approved By: OSU Legal Counsel	Revised: 7/1/2013

PURPOSE:

To educate employees how access by patients who request access to their PHI, will be given.

POLICY:

If OSU provides an individual with access, in whole or in part, to protected health information, OSU must comply with the following requirements: §164.524(c)

1. OSU must provide the access requested by individuals, including inspection or obtaining a copy, or both, of the protected health information about them in designated record sets. If the same protected health information that is the subject of a request for access is maintained in more than one designated record set or at more than one location, OSU need only produce the protected health information once in response to a request for access. §164.524(c)(1)
2. OSU must provide the individual with access to the protected health information in the form and format requested by the individual, if it is readily producible in such form and format; or, if not, in a readable hard copy form or such other form and format as agreed to by OSU and the individual. §164.524(c)(2)(i)
3. Notwithstanding paragraph (2) of this policy, if the protected health information that is the subject of a request for access is maintained in one or more designated record sets electronically and if the individual requests an electronic copy of such information, OSU must provide the individual with access to the protected health information in the electronic form and format requested by the individual, if it is readily producible in such form and format; or, if not, in a readable electronic form and format as agreed to by OSU and the individual. §164.524(c)(2)(ii)
4. OSU may provide the individual with a summary of the protected health information requested, in lieu of providing access to the protected health information or may provide an explanation of the protected health information to which access has been provided, if: §164.524(c)(2)(iii)
 - a. The individual agrees in advance to such a summary or explanation; and §164.524(c)(2)(iii)(A)
 - b. The individual agrees in advance to the fees imposed, if any, by the covered entity for such summary or explanation. §164.524(c)(2)(iii)(B)



Oklahoma State University

Title: Provision of Access	Policy #: PRV-10.03
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.524(c)
Standard: Access of Individuals to Protected Health Information	Responsibility: Health Care Components
Effective Date: 4/14/2003	Page 2 of 3
Approved By: OSU Legal Counsel	Revised: 7/1/2013

5. OSU must provide the access as requested by the individual in a timely manner as required by PRV-10.02 *Requests for Access & Timely Provision*, including arranging with the individual for a convenient time and place to inspect or obtain a copy of the protected health information, or mailing the copy of the protected health information at the individual's request. OSU may discuss the scope, format, and other aspects of the request for access with the individual as necessary to facilitate the timely provision of access. §164.524(c)(3)(i)
6. If an individual's request for access directs OSU to transmit the copy of protected health information directly to another person designated by the individual, OSU must provide the copy to the person designated by the individual. The individual's request must be in writing, signed by the individual, and clearly identify the designated person and where to send the copy of protected health information. §164.524(c)(3)(ii)
7. If the individual requests a copy of the protected health information or agrees to a summary or explanation of such information, OSU may impose a reasonable, cost-based fee, provided that the fee includes only the cost of: §164.524(c)(4)
 - a. Labor for copying the protected health information requested by the individual, whether in paper or electronic form; §164.524(c)(4)(i)
 - b. Supplies for creating the paper copy or electronic media if the individual requests that the electronic copy be provided on portable media; §164.524(c)(4)(ii)
 - c. Postage, when the individual has requested the copy, or the summary or explanation, be mailed; and §164.524(c)(4)(iii)
 - d. Preparing an explanation or summary of the protected health information, if agreed to by the individual as required by paragraph (c)(2)(iii) of this section. §164.524(c)(4)(iv)

PROCEDURE:

1. If OSU provides access to an individual to their protected health information, OSU shall provide no less than what is contained or would be contained in a designated record set.
2. If the individual requests the protected health information in paper form, OSU shall provide the requested records in paper form, and charge the individual a fee based on paragraph 7 of this policy.
3. If the individual requests the protected health information in electronic form, and if OSU has the requested material in electronic form, OSU shall provide such information in an electronic form.



Oklahoma State University

Title: Provision of Access	Policy #: PRV-10.03
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.524(c)
Standard: Access of Individuals to Protected Health Information	Responsibility: Health Care Components
Effective Date: 4/14/2003	Page 3 of 3
Approved By: OSU Legal Counsel	Revised: 7/1/2013

4. If the individual requests the protected health information in an electronic form, but the information is in both electronic and paper form, OSU shall take every reasonable step to get the paper documents to the individual in an electronic form.
5. Any other scenario, the OSU agent shall use their best judgment based on the requirements of this policy.
6. If the individual requests a copy be sent to someone other than the requesting individual, OSU shall send the protected health information to that other individual provided that OSU has:
 - a. A Full name or company name;
 - b. Complete address; or
 - c. Email address; or
 - d. Other method of communication to get the requested records to such individual; and
 - e. The individual has paid all associated costs for sending the information, if any.

REFERENCE:

45 CFR §164.524(c)
HITECH 13405(e)