



Oklahoma State University

Title: Denial of Access	Policy #: PRV-10.04
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.524(d)
Standard: Access of Individuals to Protected Health Information	Responsibility: Health Care Components
Effective Date: 4/14/2003	Page 1 of 2
Approved By: OSU Legal Counsel	Revised: 7/1/2013

PURPOSE:

To identify the process for when or if access shall be denied.

POLICY:

If OSU denies access, in whole or in part, to protected health information, the covered entity must comply with the following requirements. §164.524(d)

1. OSU must, to the extent possible, give the individual access to any other protected health information requested, after excluding the protected health information as to which OSU has a ground to deny access.. §164.524(d)(1)
2. OSU must provide a timely, written denial to the individual, in accordance with PRV-10.02. The denial must be in plain language and contain: §164.524(d)(2)
 - a. The basis for the denial; §164.524(d)(2)(i)
 - b. If applicable, a statement of the individual's review rights, including a description of how the individual may exercise such review rights; and §164.524(d)(2)(ii)
 - c. A description of how the individual may complain to OSU pursuant to the complaint procedures in § 164.530(d) or to the Secretary pursuant to the procedures in §160.306. The description must include the name, or title, and telephone number of the contact person or office designated in § 164.530(a)(1)(ii). §164.524(d)(2)(iii)
 - d. More information be found in OSU HIPAA Policy: PRV-10.02 *Request for Access and Timely Action*

If OSU does not maintain the protected health information that is the subject of the individual's request for access, and OSU knows where the requested information is maintained, OSU must inform the individual where to direct the request for access. §164.524(d)(3)

If the individual has requested a review of a denial under Policy PRV-10.01, OSU must designate a licensed health care professional, who was not directly involved in the denial to review the decision to deny access. OSU must promptly refer a request for review to such designated reviewing official. The designated reviewing official must determine, within a reasonable period of time, whether or not to deny the access requested based on the standards in PRV-10.01. OSU must promptly provide written notice to the individual



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of the determination of the designated reviewing official and take other action as required by this section to carry out the designated reviewing official's determination. §164.524(d)(4)

PROCEDURE:

1. If OSU denies in whole or in part any request for access to protected health information, OSU shall follow the policy above.
2. All denials shall include the methods to complain or find out more information.
3. All complaints and general inquiries shall be directed to:
HIPAA Compliance Officer
717 South Houston, Suite 506
Tulsa, OK 74127
Chs.privacy@okstate.edu
918-586-4545
4. Or:
[The Secretary for the Department of Health & Human Services complaint form](#)