



Oklahoma State University

Title: Refraining from Intimidating or Retaliatory Acts	Policy #: PRV-13.07
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.530(g)
Standard: Refraining from Intimidating or Retaliatory Acts	Responsibility: Health Care Components
Effective Date: 4/14/2003	Page 1 of 1
Approved By: OSU Legal Counsel	Revised: 7/1/2013

PURPOSE:

To establish that OSU and its agents shall not retaliate or pose intimidation of any kind to anyone who exercises their right under the HIPAA.

POLICY:

Oklahoma State University...

1. May not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any individual for the exercise by the individual of any right established, or for participation in any process provided for, by the Privacy Rule and the Breach Notification Rule, including the filing of a complaint under this section of Policies; and §164.530(g)(1)
2. Must refrain from intimidation and retaliation as provided in § 160.316 Refraining from Intimidation or Retaliation. §164.530(g)(2)
3. It is also prohibited for any OSU Agent to retaliate against any individual or others for filing a complaint with the Secretary of Health and Human Services; testifying, assisting or participating in an investigation, compliance review, proceeding or hearing as defined under Part C of Title XI.
4. It is also prohibited for any employee to retaliate against any individual or others for opposing any act of practice made unlawful by HIPAA provided the individual or person has a good faith belief that the practice opposed is unlawful and the manner of the opposition is reasonable and does not involve a disclosure of PHI in violation of 164.530(g).

PROCEDURE:

1. If any OSU Agent does retaliate, OSU must and will follow HIPAA guidelines and protect the employee who was retaliated against by any legal means necessary. The individual who performed the retaliatory act will be subject to OSU sanctions, and any civil and/or criminal penalties deemed appropriate by OSU and/or the Judicial Branch of the United States Government depending on the severity of the retaliation.
2. OSU as an institution shall not intimidate or retaliate against anyone who exercises their right given to them under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).