



## Oklahoma State University

<b>Title: Changes to Policies and Procedures</b>	<b>Policy #: PRV-13.10</b>
<b>Category: HIPAA Compliance</b>	<b>Authority: 45 CFR § HIPAA SECTION: 164.530(j)(2)</b>
<b>Standard: Changes to Policies and Procedures</b>	<b>Responsibility: Health Care Components</b>
<b>Effective Date: 4/14/2003</b>	<b>Page 1 of 2</b>
<b>Approved By: OSU Legal Counsel</b>	<b>Revised: 7/1/2013</b>

### PURPOSE:

To identify and document how changes to policy are handled.

### POLICY:

1. OSU must change its policies and procedures as necessary and appropriate to comply with changes in the law, including the standards, requirements, and implementation specifications of the Privacy Rule and the Breach Notification Rule. *§164.560(i)(2)(i)*
2. When OSU changes a privacy practice that is stated in the notice described in §164.520, and makes corresponding changes to its policies and procedures, it may make the changes effective for protected health information that it created or received prior to the effective date of the notice revision, OSU has, in accordance with §164.520(b)(1)(v)(C), included in the notice a statement reserving its right to make such a change in its privacy practices; or *§164.560(i)(2)(ii)*
3. OSU may make any other changes to policies and procedures at any time, provided that the changes are documented and implemented in accordance with paragraph (6) of this policy. *§164.560(i)(2)(iii)*
4. Changes in Law - Whenever there is a change in law that necessitates a change to OSU's policies or procedures, OSU must promptly document and implement the revised policy or procedure. If the change in law materially affects the content of the notice required by §164.520, OSU must promptly make the appropriate revisions to the notice in accordance with §164.520(b)(3). Nothing in this paragraph may be used by OSU to excuse a failure to comply with the law. *§164.560(i)(3)*
5. Changes to Privacy Practices State in the Notice – *§164.560(i)(4)*
  - a. To implement a change as provided by paragraph (2) of this policy, OSU must: *§164.560(i)(4)(i)*
    - i. Ensure that the policy or procedure, as revised to reflect a change in OSU's privacy practice as stated in its notice, complies with the standards, requirements, and implementation specifications of the Privacy Rule; *§164.560(i)(4)(i)(A)*
    - ii. Document the policy or procedure, as revised, as required by paragraph (j) of §164.530 *Documentation*; and *§164.560(i)(4)(i)(B)*
    - iii. Revise the notice as required by §164.520(b)(3) to state the changed practice and make the revised notice available as required by §164.520(c). OSU may not implement a change to a policy or procedure prior to the effective date of the revised notice. *§164.560(i)(4)(i)(C)*



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- b. If OSU has not reserved its right under §164.520(b)(1)(v)(C) to change a privacy practice that is stated in the notice, then OSU is bound by the privacy practices as stated in the notice with respect to protected health information created or received while such notice is in effect. OSU may change a privacy practice that is stated in the notice, and the related policies and procedures, without having reserved the right to do so, provided that: *§164.560(i)(4)(ii)*
  - i. Such change meets the implementation specifications in paragraph (5) of this policy; and *§164.560(i)(4)(ii)(A)*
  - ii. Such change is effective only with respect to protected health information created or received after the effective date of the notice. *§164.560(i)(4)(ii)(B)*
6. Changes to other Policies or Procedures - OSU may change, at any time, a policy or procedure that does not materially affect the content of the notice required by §164.520, provided that: *§164.560(i)(5)*
  - a. The policy or procedure, as revised, complies with the standards, requirements, and implementation specifications of the Privacy Rule; and *§164.560(i)(5)(i)*
  - b. Prior to the effective date of the change, the policy or procedure, as revised, is documented as required by paragraph (j) of §164.530 *Documentation*. *§164.560(i)(5)(ii)*

### PROCEDURE:

When a change to policy occurs, the compliance office will retire the original policy and replace it with the updated policy and procedure. The compliance office will maintain all policies, both current and retired, for a minimum of 6 years for documentation purposes. Implementation of updated policies will include distribution of the updated policy to all areas with training requirements when there is a material change to the policy.

OSU has stated in its Notice of Privacy Practices that OSU does reserve the right to changes its practices at any time and as such may change its policies at any time. The effective date of such changes cannot be before the effective date of the legal requirement which the change is based on.

If the change in policy and procedure is based on a procedural issue, OSU reserves the right to change that process at any given time regardless of whether or not a legal change has occurred to warrant the change in process.