



Oklahoma State University

Title: Effect of Prior Authorizations	Policy #: PRV-14.01
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.532(a)
Standard: Effect of Prior Authorizations	Responsibility: Health Care Components
Effective Date: 4/14/2003	Page 1 of 2
Approved By: OSU Legal Counsel	Revised: 7/1/2013

PURPOSE:

To establish the effect of prior authorizations.

POLICY:

1. Notwithstanding §§164.508 and 164.512(i), OSU may use or disclose protected health information, consistent with paragraphs (2) and (3) of this policy, pursuant to an authorization or other express legal permission obtained from an individual permitting the use or disclosure of protected health information, informed consent of the individual to participate in research, a waiver of informed consent by an IRB, or a waiver of authorization in accordance with § 164.512(i)(1)(i). *§164.532(a)*
2. Effect of Prior Authorization for Purposes Other Than Research - Notwithstanding any provisions in §164.508, OSU may use or disclose protected health information that it created or received prior to the applicable compliance date of the Privacy Rule, April 14, 2003 pursuant to an authorization or other express legal permission obtained from an individual prior to the applicable compliance date of the Privacy Rule, provided that the authorization or other express legal permission specifically permits such use or disclosure and there is no agreed-to restriction in accordance with §164.522(a). *§164.532(b)*
3. Effect of Prior Permission for Research - Notwithstanding any provisions in §§ 164.508 and 164.512(i), OSU may, to the extent allowed by one of the following permissions, use or disclose, for research, protected health information that it created or received either before or after the applicable compliance date of the Privacy Rule, provided that there is no agreed-to restriction in accordance with § 164.522(a), and OSU has obtained, prior to the applicable compliance date, either:
§164.532(c)
 - a. An authorization or other express legal permission from an individual to use or disclose protected health information for the research; *§164.532(c)(1)*
 - b. The informed consent of the individual to participate in the research; *§164.532(c)(2)*
 - c. A waiver, by an IRB, of informed consent for the research, in accordance with 7 CFR 1c.116(d), 10 CFR 745.116(d), 14 CFR 1230.116(d), 15 CFR 27.116(d), 16 CFR 1028.116(d), 21 CFR 50.24, 22 CFR 225.116(d), 24 CFR 60.116(d), 28 CFR 46.116(d), 32 CFR 219.116(d), 34 CFR 97.116(d), 38 CFR 16.116(d), 40 CFR 26.116(d), 45 CFR 46.116(d), 45 CFR 690.116(d), or 49 CFR 11.116(d), provided that OSU must obtain authorization in accordance with § 164.508 if, after the compliance date, informed consent is sought from an individual participating in the research; or *§164.532(c)(3)*



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d. A waiver of authorization in accordance with § 164.512(i)(1)(i). §164.532(c)(4)

PROCEDURE:

1. OSU shall have authorization as stated in the policy above.
2. Any authorizations in place before the effective date of April 14, 2003 shall still be valid and carry over.
3. Any new authorizations since April 14, 2003 shall adhere to all HIPAA standards as outlined in all of OSU's policies and procedures.