



## Oklahoma State University

<b>Title: Notification by a Business Associate</b>	<b>Policy #: BRE-05.00</b>
<b>Category: HIPAA Compliance</b>	<b>Authority: 45 CFR HIPAA SECTION: §164.410</b>
<b>Standard: Notification in the Case of Breach of Unsecured Protected Health Information</b>	<b>Responsibility: Health Care Components</b>
<b>Effective Date: 3/26/2013</b>	<b>Page 1 of 1</b>
<b>Approved By: OSU Legal Counsel</b>	<b>Revised: 6/1/2013</b>

### **PURPOSE:**

To establish the method(s) of how OSU, when in the role of a Business Associate will notify the affected covered entity.

### **POLICY:**

1. OSU when in the role of a Business Associate shall, following the discovery of a breach of unsecured PHI, notify the covered entity of such breach. *§164.410(a)(1)*
2. Breaches treated as discovered. For the purposes of paragraph 1 of this policy, a breach shall be treated as discovered by a OSU as of the first day on which such breach is known to OSU or, by exercising reasonable diligence, would have been known to OSU. OSU shall be deemed to have knowledge of a breach if the breach is known, or by exercising reasonable diligence would have been known, to any person, other than the person committing the breach, who is an employee, officer, or other agent of OSU (determined in accordance with the Federal common law of agency). *§164.410(a)(2)*
3. Timeliness of Notification. Except for situations involving Law Enforcement, OSU shall provide the notification required by paragraph 1 of this policy without unreasonable delay and in no case later than 60 calendar days after discovery of a breach. *§164.410(b)*
4. Content of Notification. The notification required by paragraph 1 of this policy shall include, to the extent possible, the identification of each individual whose unsecured PHI has been, or is reasonably believed by OSU to have been, accessed, acquired, used or disclosed during the breach. *§164.410(c)(1)*
5. OSU shall provide the covered entity with any other available information that the covered entity is required to include in notification to the individual under §164.404(c) (Content of Notification) at the time of the notification required by paragraph 1 of this policy or promptly thereafter as information becomes available. *§164.410(c)(2)*

### **PROCEDURE:**

1. OSU, when in the role of the Business Associate and not the covered entity, shall follow the policy as stated above.
2. OSU shall make every reasonable effort to provide the covered entity with all the information available and cooperate and participate when asked by the covered entity.