

## **DUTY TO REPORT SECURITY OR PRIVACY BREACH AND MITIGATE THE EFFECT PROCEDURE**

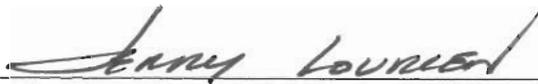
1. Members of the workforce will report any breach of DHHR's privacy and security policies at once to their immediate supervisors.
2. Supervisors who receive reports of a breach of privacy or security are required to act to stop the breach as soon as possible. This may include immediate suspension of access privileges to PHI of anyone suspected of breaching privacy or security policies.
3. Supervisors will report a breach of privacy or security, and any actions they have taken, to the appropriate Administrator, Designated Attorney or Designee(s), and the Privacy and Security Officials.
4. Supervisors will apply the DHHR SANCTIONS FOR VIOLATING PRIVACY AND SECURITY POLICIES AND PROCEDURES policy as appropriate.
5. Any allegation of harm that is a result of a breach of security or privacy of protected health information will be referred immediately to Designated Attorney or Designee(s).
6. Designated Attorney or Designee(s), the Supervisor and appropriate Administrator will investigate the breach to develop a plan to mitigate the harm, to the extent that this is practicable.
7. Designated Attorney or Designee(s) will decide whether it is necessary to notify the victim of the breach in order to mitigate effectively the alleged harm.
8. The Privacy Official or Designee(s) or Security Official will prepare changes to policies and procedures, and/or provide necessary training, to reduce the likelihood of a similar breach in the future.
9. The allegation, the mitigation plan, mitigation actions taken, results, record of disciplinary actions (if any), and supporting information will be documented by the Privacy Official or Designee(s), and the documentation will be retained for at least six years or longer if required by state law or regulation.

**REFERENCE:** 45 CFR § 164.530(f)

See also: SANCTIONS FOR VIOLATING PRIVACY AND SECURITY POLICIES AND PROCEDURES

Effective Date: 4/14/03

Dates Revised:

A handwritten signature in black ink, appearing to read "Jerome Lovrien", is written over a light gray rectangular background.

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Jerome E. Lovrien, Commissioner, Bureau for Behavioral Health and Health Facilities