

	Effective Date:	09-12-2011
	Policy #:	H-15
	Supersedes:	
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PURPOSE

Establish policy and procedure to mitigate harmful effects of inappropriate disclosure of protected health information.

DEFINITIONS

Refer to HIPAA Policies and Procedures Definitions Glossary.

POLICY

LARA will take reasonable steps to mitigate to the extent practicable, any harmful effect that is known to the department of a use or disclosure of PHI in violation of its' policies and procedures.

PROCEDURE

<i>Responsibility</i>	<i>Action</i>
<i>Mitigation</i>	<p>All Covered LARA Agencies must take all practicable steps to mitigate the harmful effects of a confirmed inappropriate use or disclosure. The type of mitigation that occurs will be based on the facts and circumstances of each case based on the following factors:</p> <ol style="list-style-type: none"> 1. knowledge of where the information has been disclosed; 2. how the information might be used to cause harm to the individual or another individual; and 3. what steps can actually have a mitigating effect under the facts and circumstances of any specific situation.

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<i>Investigation</i>	Covered LARA Agencies must investigate the cause of the inappropriate use and/or disclosure and take corrective actions to prevent such uses and/or disclosures from re-occurring. The actions taken will be documented and forwarded to the Privacy Official.
<i>Notify Director's Office</i>	Covered LARA Agencies should notify the Privacy Official of inappropriate uses and disclosures, the mitigation efforts and the results of the investigation. The Privacy Official will assist with the investigation and provide advice regarding mitigation efforts if requested to do so. If legal action is threatened, or is a distinct possibility, Legal Counsel must be notified.

REFERENCES/FORMS

[45 CFR 164.530\(f\)](#)