

**LOUISIANA STATE UNIVERSITY
HEALTH CARE SERVICES DIVISION
BATON ROUGE, LA**

POLICY NUMBER: 7527-20

CATEGORY: HIPAA Policies

CONTENT: Mitigation After Improper PHI Use or Disclosure

EFFECTIVE DATE: April 14, 2003

REVIEW DATE: January 8, 2008
February 26, 2015
February 29, 2016
August 28, 2017
January 15, 2020

REVISED: January 8, 2008
April 9, 2010
July 24, 2013

INQUIRIES TO: **LSU HCSD**
Compliance Section
Post Office Box 91308
Baton Rouge, LA 70821
Phone: 225-354-4840

Note: Approval signatures/titles are on the last page

LOUISIANA STATE UNIVERSITY HEALTH CARE SERVICES DIVISION

Mitigation after Improper PHI Use or Disclosure

I. SCOPE

This policy is applicable to all workforce members of the LSU Health Care Services Division facilities, including employees, physician/practitioner practices, vendors, agencies, business associates and affiliates.

II. PURPOSE

To provide guidance to the Louisiana State University HCSD facilities and providers to the extent practicable, to mitigate (lessen or alleviate) any harmful effect that becomes known to them as a result of an improper use or disclosure of PHI.

III. POLICY

The LSU HCSD Facility has a duty to ensure the proper use and/or disclosure of PHI. To the extent practicable, the LSU facility will mitigate (lessen or alleviate) any harmful effect that becomes known to the LSU HCSD facility as a result of a use or disclosure of PHI in violation of the LSU HCSD facility's policies and procedures or applicable law.

IV. PROCEDURE

The duty to mitigate includes, but not limited to the following:

1. Taking operational and procedural corrective measures to remedy violations.
2. Taking employment actions, reprimand, or discipline employees as necessary, up to and including termination.
3. Addressing problems with business associates, external affiliates, and other entities/persons outside of LSU HCSD's workforce who have access to patient information once LSU HCSD is aware of a breach of privacy.
4. Incorporating mitigation solution into the LSU HCSD facility's operational policies as appropriate.
5. Addressing and investigating LSU HCSD facility workforce violations.
6. Re-training and education.

Thirty Day Cure Period

Note that the Facility has up to a thirty day cure period due to willful neglect to resolve the issue that lead to a breach. That thirty day period begins on the date that the Facility first acquires

actual or constructive knowledge of the violation.

V. ENFORCEMENT: Individuals who violate this policy will be subject to the disciplinary process for the LSU HCSD facility.

REFERENCES: 45 C.F.R. 164.530(f)
Facility Disciplinary policy


Document Metadata

Document Name:	7527-20 Mitigation After Improper PHI Use or Disclosure.doc
Policy Number:	7527
Original Location:	/LSU Health/HCSD/7500 - HIPAA
Created on:	04/14/2003
Published on:	01/22/2020
Last Review on:	01/22/2020
Next Review on:	01/22/2021
Effective on:	04/14/2003
Creator:	Reeves, Rebecca
Committee / Policy Team:	Main Policy Team
Owner/SME:	Simien, Tammy <i>Staff Attorney</i>
Manager:	Reeves, Rebecca
Approver(s):	Buie, Lanette <i>HCSD Deputy Chief Executive Officer</i>
Publisher:	Reeves, Rebecca

Digital Signatures:

Currently Signed

Approver:
Buie, Lanette
HCSD Deputy Chief Executive
Officer


01/22/2020