

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

POLICY NUMBER: 7527-23

CATEGORY: HIPAA Policies

CONTENT: Mitigation After Improper PHI Use or Disclosure

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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 (LSU HCSD) facilities, including employees, physician/practitioner practices, vendors, agencies, business associates and affiliates. Any references herein to LSU HCSD also applies and pertains to Lallie Kemp Medical Center.

II. PURPOSE

To provide guidance to the LSU 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:

- A. Taking operational and procedural corrective measures to remedy violations.
- B. Taking employment actions, reprimand, or discipline employees as necessary, up to and including termination.
- C. 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.
- D. Incorporating mitigation solution into the LSU HCSD facility's operational policies as appropriate.
- E. Addressing and investigating LSU HCSD facility workforce violations.
- F. 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.

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