

4004.0.0 MITIGATION OF VIOLATIONS OF PRIVACY RIGHTS

4004.1.0 Duty to mitigate violations of privacy rights guaranteed under HIPAA

As required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Department of Human Services (DHS) shall mitigate any known harmful effect(s) of uses or disclosures of Protected Health Information made by DHS or its business associates in violation of HIPAA or DHS policy related to privacy rights granted by HIPAA. (45 CFR § 164.530 (f))

4004.2.0 Mitigation

Mitigation means taking all appropriate actions listed below if a DHS Client's HIPAA privacy rights have been violated.

- A. Notifying any unintended or unauthorized recipient(s) of Protected Health Information (including by e-mail or fax) and requesting them to disregard, keep confidential, not reveal, and discreetly dispose of said information.
- B. Investigating the causes of the disclosure.
- C. Taking corrective action, including:
 - 1. Sanctioning personnel for unauthorized use or disclosure of client information in accordance with DHS Policy.
 - 2. Training or retraining as necessary.
 - 3. Correcting faulty processes.

4004.3.0 Originating Section/Department Contact

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