

Original Draft Date: January 13, 2003
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SUBJECT: Mitigation of Improper Disclosures
HIPAA CITES: 45 C.F.R. § 164.530(f)
DEPARTMENT: All Departments of Kewaunee County
POLICY NUMBER: 110

I. POLICY:

Kewaunee County mitigates, to the extent practicable, any harmful effect that is known to Kewaunee County to have occurred as a result of a use or disclosure of Protected Health Information in violation of the requirements of the Privacy Rule or Kewaunee County's policies and procedures (each an "**Improper Disclosure**") by either Kewaunee County or its Business Associates.

II. PROCEDURES:

- A. Reporting to Department Privacy Officer. Information regarding any Improper Disclosure by Kewaunee County or any of its Business Associates discovered by any employee of Kewaunee County shall be reported promptly to the Department Privacy Officer at the Department Privacy Office.
- B. Required Notifications. The Department Privacy Officer shall immediately notify Kewaunee County's legal department, the appropriate department head and the Kewaunee County Privacy Officer regarding the Unauthorized Disclosure so that any accounting required pursuant to Policy #104 can include the Unauthorized Disclosure.
- C. Mitigation Plan. When the Department Privacy Officer learns of an improper disclosure of Protected Health Information under the control of Kewaunee County, the Department Privacy Officer, in consultation with Kewaunee County's legal department, the appropriate department head and the Kewaunee County Privacy Officer shall develop a plan as soon as reasonably practicable to mitigate any known or reasonably anticipated harmful effects of such disclosure. The Mitigation Plan shall be tailored to the circumstances of each case, but may include as appropriate, the following elements:

1. Identifying the source(s) of the disclosure and taking appropriate corrective action.
2. Contacting the recipient of the information that was the subject of the Unauthorized Disclosure and requesting that such recipient either destroy or return the information.
3. Instructing such recipient to make no further disclosures of such information.
4. Providing notification pursuant to Kewaunee County's Breach Notification Policy.
5. Reviewing, and correcting where appropriate, any policy or procedure of Kewaunee County that directly caused or contributed to the Unauthorized Disclosure.