

**HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES**

Chapter 11	Patient Privacy Policies	Effective:	April 2003
Section 11.1	General Oversight Policies	Revised:	February 2006
<b>Policy 11.1.10</b>	<b>Mitigation of Harmful Effects of Disclosure of Patient Health Information</b>	Responsibility:	Assistant Vice President for Regulatory Affairs & Compliance

## **MITIGATION OF HARMFUL EFFECTS OF DISCLOSURE OF PATIENT HEALTH INFORMATION**

---

### **Policy**

The Health Science Center shall mitigate, to the extent practical, any harmful effect that is known to the Health Science Center of a use or disclosure of protected health information in violation of the Health Science Center's policies and procedures, the federal privacy regulations, or a business associate of Health Science Center. The Health Science Center employees who are responsible for mitigating the harmful effect of any inappropriate uses or disclosures shall be familiar with this policy and shall follow the procedures described below.

---

### **Procedures**

1. A workforce member of the Health Science Center who knows of a harmful effect of a use or disclosure of protected health information by the Health Science Center or a business associate of the Health Science Center that is believed to violate either the Health Science Center's policies and procedures or the federal privacy regulations shall report the use or disclosure, and any relevant facts surrounding the use of disclosure, to the Health Science Center's Privacy Officer in the Office of Regulatory Affairs & Compliance.
2. If the Privacy Officer determines that the Health Science Center knows of a harmful effect of a use or disclosure of protected health information that is in violation of the Health Science Center's policies and procedures or the federal privacy regulations, the Health Science Center shall mitigate, to the extent practical, the harmful effect. The duty to mitigate only applies if the Health Science Center has actual knowledge of the harm and mitigation is practical. The Health Science Center should eliminate the harm if eliminating the harm is practical.
3. The Office of Regulatory Affairs & Compliance will report summary cases requiring mitigation to the Health Science Center's Office of Legal Affairs.
4. The Health Science Center shall take reasonable steps to mitigate a known harmful effect of use or disclosure of protected

**HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES**

Chapter 11	Patient Privacy Policies	Effective:	April 2003
Section 11.1	General Oversight Policies	Revised:	February 2006
<b>Policy 11.1.10</b>	<b>Mitigation of Harmful Effects of Disclosure of Patient Health Information</b>	Responsibility:	Assistant Vice President for Regulatory Affairs & Compliance

---

health information by the Health Science Center or the Health Science Center's business associates. The reasonable steps shall be implemented based on the Health Science Center's knowledge of:

- a. to whom the information has been disclosed;
- b. how the information might be used to cause harm to the patient or another individual; and,
- c. what steps can actually have a mitigating effect with respect to the particular situation.

Reasonable steps may include taking operational and procedural corrective measures including working with security; retraining employees or taking disciplinary measure; and, revising policies and procedures, as appropriate.

5. The Health Science Center is not required to monitor the activities of its business associates; however, if the Health Science Center knows of a pattern of activity or practice of a business associate that constitutes a material breach or violation of the business associate's obligation under the business associate agreement or other arrangement, the Health Science Center shall take reasonable steps to cure the breach or end the violation, as applicable, and if such steps are unsuccessful:
  - a. terminate the business associate agreement or arrangement, if feasible; or,
  - b. if termination is not feasible, the Health Science Center shall report the problem to the Secretary of the Department of Health and Human Services.