

# HIPAA Monthly Alert



# 2021 February

## Liberty Healthcare Corporation

 Questions regarding this alert?  
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## HIPAA Breach Notification Rule

The HIPAA Breach Notification Rule requires Liberty to notify affected individuals, HHS, and, in some cases, the media of a breach of unsecured PHI. Data incidents, such as breaches, are reviewed by Liberty Officers and General Counsel.

The impermissible use or disclosure of PHI is presumed to be a breach unless you demonstrate there is a low probability the PHI has been compromised based on a risk assessment of at least the following factors:

- The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification.
- The unauthorized person who used the PHI or to whom the disclosure was made.
- Whether the PHI was acquired or viewed.
- The extent to which the risk to the PHI has been mitigated.

Notifications need to be provided without unreasonable delay and no later than 60 days following the breach discovery.

Notifications of smaller breaches that affect fewer than 500 individuals can be submitted to HHS annually. The Breach Notification Rule also requires business associates of Liberty to notify Liberty of any data incident at or by the business associate.

**If you suspect a data incident, contact your supervisor immediately.** They will instruct you to complete Liberty's Sentinel Event form found on the ESS, which will be sent instantly to Liberty's leadership to include but not limited to our Associate General Counsel & our Information Security Officer.

**A breach is an impermissible use or disclosure under the Privacy Rule that compromises the security or privacy of PHI.**

Reference: <https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/Downloads/HIPAAPrivacyandSecurity.pdf>

Please look for next month's HIPAA alert delivered through your email. You can also find the HIPAA monthly alerts on Employee Self Service (ESS).