

HIPAA BREACHES, SANCTIONS AND THE SHR ACT

**2017 Critical Updates for HIPAA Officers in Local Public
Health Agencies**

Asheville

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Types of HIPAA Breaches

- A. Technical violations not resulting in use/disclosure of protected information – If no disclosure/use, done by workforce member in good faith – not a breach.
- A. Violations that do involve use/disclosure of protected information
 - 1. Unintentional/accidental use/disclosure
 - 2. Intentional/deliberate use/disclosure

Sanctions/Discipline

Type A (Technical violation - no use/disclosure)

Discussion with supervisor

Noted in employee's personnel file

Sanctions/Discipline

Type B. 1. (Unintentional use/disclosure)

Grossly inefficient job performance - range from no discipline to dismissal

Recommended: First occurrence, treat as Type A.

Subsequent occurrences, use successive disciplinary process

Sanctions/Discipline

Type B. 2. (Intentional use/disclosure)

Unacceptable personal conduct - range from demotion to dismissal

Recommended: First occurrence, suspension without pay

Any subsequent occurrence, dismissal

Recommendations

- Link your HIPAA Breaches/Sanctions policy to your disciplinary policy or to the SHRC disciplinary rules online
- Consistently impose sanctions –
“Treat similarly situated employees in a similar fashion”