

Serenity Behavioral Health Systems Definitions of Violations and Associated Sanctions

Serenity Behavioral Health Systems has a procedure to mitigate and manage disclosures of PHI. This policy documents the different types of violations and sanction guidelines. However, these sanctions apply to violations discovered by the Privacy Officer, supervisor, or is reported to other staff. If a violation is committed and self-reported, it will be up to the discretion of the supervisor as to the level of discipline, with the exception of Group 3 violations.

Definitions of Groups of violations

- **Group 1**
 - Inadvertent access or disclosures of Protected Health Information (PHI) in any format.
- **Group 2**
 - Intentional access and willful disregard
- **Group 3**
 - Purposeful, intent to harm
 - Criminal

Discipline Guidelines

Group 1 Discipline:

- 1st Offense: Verbal Warning
- 2nd Offense (in 12 months): Written Warning
- 3rd Offense (in 12 months): Suspension
- 4th and subsequent violations (in 12 months): Discipline determination up to and including termination

Examples:

- Not signing off computer (with PHI) when leaving a work area
- Leaving PHI in plain view without closing the door
- Inadvertent disclosure of PHI to the wrong patient
- Failure to follow appropriate guidelines for the use of fax, mailing, e-mail, computer, or other transmission of patient information causing a disclosure to an unintended recipient.

Group 2 Discipline:

- First Offense: Written warning OR suspension
- Second Offense (in 24 months): Termination

Examples:

- Sharing your password with a co-worker
- Accessing confidential, medical, billing, or demographic information on a patient you have no job-related responsibility for, including your friends, family, and your own clinical record.

Group 3 Discipline:

- First Offense: Termination

Examples:

- Using a co-worker's password without their knowledge
- Releasing data for personal gain
- Releasing data with intent to harm the reputation of the individual or our organization
- Unauthorized or impermissible disclosure or access of:
 - HIV test results
 - Records of sexual assault or any condition with special protection from the state or federal government