

Healthcare Compliance Forms and Tools

Privacy, Risk, and Discipline Assessment

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		HIPAA (45 CFR 164.530)	WA RCW 42.19.255/HB 1071			
Breach Risk Assessment		Definitions		Definitions	Case #:	
		Exclusions		Exclusions		
		Breach		Breach		
		Notification		Notification	Case Name:	
		Time Frame		Time Frame		
		Exceptions		Exceptions		
	RISK ASSESSMENT					
Description	Choose Best Option	Score	Choose Best Option	Score	Comments	
Is Section Applicable?	Applicable	TRUE	Applicable	TRUE		
Content: Nature & Sensitivity of Info	Content	FALSE	Content	FALSE		

Person: Who was info disclosed to?	Person	FALSE	Person	FALSE	
Access: Was the info acquired or viewed?	Access	FALSE	Access	FALSE	
Mitigation: Has risk been mitigated?	Mitigation	FALSE	Mitigation	FALSE	
Calculation: Content + Person + Access - Mitigations = Risk Level	SUBMIT REPORT? -2 THROUGH 1: Lowest Risk, No Report 2 THROUGH 5: Low Risk, No Report 6 THROUGH 9: Moderate Risk, Consider Reporting (depending on LoProCo) 10 THROUGH 14: Highest Risk, Consider Reporting (depending on LoProCo)	0	SUBMIT REPORT? -2 THROUGH 1: Lowest Risk, No Report 2 THROUGH 5: Low Risk, No Report 6 THROUGH 9: Moderate Risk, Consider Reporting (depending on LoProCo) 10 THROUGH 14: Highest Risk, Consider Reporting (depending on LoProCo)	0	
BREACH EXCEPTIONS					
Description of Exceptions	Not Applicable		Not Applicable		
LO PRO CO ANALYSIS					
Low Probability of Compromise?					
BREACH NOTIFICATION					

	Breach Notification?			
	Notification Date Calculation			
	Accounting of Disclosures?			
	Other Reporting Requirements			
SUMMARY OF INCIDENT				
PERSON COMPLETING ASSESSMENT				
	Name:			
	Title:			
	Date:			
				Case #:
				Case Name:
SUMMARY OF ALLEGATION				

Violation Level (<i>per Privacy Violation Guidance tool/HR Policy</i>)		Policy Link
MITIGATING FACTORS	SCORE	NOTES
1. Prompt voluntary reporting of the violation		
2. Cooperation with the investigation		
3. Role in the violation was small		
4. Action was taken based on a good faith reasonable belief that the action was lawful and consistent with Overlake policies and Code of Conduct		
5. Emergency circumstances where an individual's health and safety is at risk		
6. Flagged access involves someone the employee has legal medical record authority over (i.e., minor child, DPOA)		
7. Medical provider accessing record of family member with illness (should have proxy access)		
8. Employee accessed record for perceived business purposes (i.e., birthday list, home address)		
9. Honest error made by employee (i.e., sending PHI to wrong address)		
Sub-Total: Mitigating Factors	0	
AGGRAVATING FACTORS	SCORE	NOTES

1. Deliberately failing to check whether a particular course of action was prohibited			
2. Engaging in an improper act after receiving education on appropriate standards			
3. Failure to follow a formal HR disciplinary action			
4. Attempting to conceal a violation			
5. Benefiting from the inappropriate action (self, family, or close friends)			
6. Dishonesty during an investigation			
7. Pattern of misconduct (multiple patients impacted)			
8. Whether the violation caused potential or serious damage to Overlake or to any patient or employee			
9. Failure to report a known inappropriate action of other employee			
10. Acts which are criminal in nature (beyond HIPAA)			
Sub-Total: Aggravating Factors	0		
Mitigating & Aggravating Calculation	0		
Risk Assessment - Reportable?	FALSE	FALSE	
TOTAL SCORE	0		
RECOMMENDED DISCIPLINE			

Recommended Discipline = Initial: 0 – 2 points; Written: 3 – 5 points; Final Written: 6 – 8 points; Termination: 9+ points

PERSON COMPLETING ASSESSMENT

- Name

- Title

- Date

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