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## **Breach Notification Policy**

### **I. Summary of Policy**

In compliance with the Health Information Technology for Economic and Clinical Health Act (“HITECH Act”), the Health Insurance Portability and Accountability Act of 1996 (“HIPPA”) and applicable federal or state breach notification laws and regulations, this policy sets forth the steps Southern Vermont Audiology shall take following the discovery of a security incident that may compromise the security or privacy of protected health information or personally identifiable information, as defined under applicable law.

### **II. Definitions**

Personally identifiable information (PII) generally means a person’s first name or first initial and last name in combination with any of the following:

- ( i) Social Security Number;
- ( ii) Driver’s license number or other identification number; or
- (iii) Account number or credit/debit card number with the access code or password.

PII also includes other protected information under applicable state law.

Protected health information (PHI) means any information, including demographic information, created, maintained or received by Southern Vermont Audiology that relates to health status, provision of health care or payment for health care and can be used to identify the individual.

Privacy or Security incident (“Incident”) means the unauthorized access, use, disclosures, theft, loss, modification, or destruction of PII or PHI

Any terms used but not defined herein shall have the same meaning those terms have under the HITECH Act, HIPPA or the applicable law or regulation.

### **III. Policy**

Southern Vermont Audiology shall duly investigate all incidents and provide timely notifications to affected individuals, the Department of Health and Human Services, media outlets, credit reporting agencies, and other federal or state agencies, as necessary and appropriate, upon the discovery of a breach of unsecured PHI or personally identifiable information.

### **IV. Procedure**

1. Southern Vermont Audiology will take immediate steps to investigate and contain the Incident and mitigate risk of harm to affected individuals. Southern Vermont Audiology may seek assistance from Legal Counsel and/or outside consultants as deemed appropriate.

2. In the event the Incident involves possible criminal activity, such as identity theft or theft of valuable Southern Vermont Audiology equipment or proprietary information, Southern Vermont Audiology will file a police report or other notification with the applicable law enforcement body (ies).
3. Southern Vermont Audiology will determine whether the Incident qualifies as a breach under applicable federal and/or state notification laws.
  - i. For purposes of HIPPA, an Incident qualifies as a breach if it poses a significant risk of financial, reputational or other harm to the individual.
  - ii. For purposes of state breach notification laws, a security incident generally qualifies as a breach if there is unauthorized acquisition of computerized data that contains personally identifiable information. A breach may be evidenced by reports of identity theft or theft of electronic devices.
4. Upon determination of a breach, Southern Vermont Audiology will take all reasonable measures to notify affected individuals in accordance with regulatory requirements and without unreasonable delay. Southern Vermont Audiology will notify federal and state agencies, media outlets, credit reporting agencies and other individuals as necessary and appropriate, in accordance with regulatory requirements and without reasonable delay.
5. Southern Vermont Audiology may take such other actions as necessary and appropriate to safeguard PHI and PII and mitigate harm to affected individuals, including but not limited to providing identity theft protection services to affected individuals, re-training and education staff members, implementing or recommending disciplinary action up to and including termination.
6. Southern Vermont Audiology will not retaliate against any person who, in good faith, reports a possible security incident.
7. Southern Vermont Audiology will maintain documentation related to all Incidents, including the risk assessment and all notices for a period of at least six (6) years.

**V. Policy Enforcement**

Southern Vermont Audiology's Privacy Officer has general responsibility for implementations of this policy. Members of the workforce who violate this policy will be subject to disciplinary action up to and including termination. Anyone who knows or has reason to believe that another person has violated this policy should report the matter promptly to the Privacy Officer. This policy shall remain in effect unless terminated or superseded by a revised and/or updated policy.