

Tidewater Family Dentistry, a division of Atlantic Dental Care, PLC  
HIPAA Breach Notification Policy

Final breach notification regulations, effective for breaches discovered on or after September 23, 2013, implement section 13402 of the Health Information Technology for Economic and Clinical Health (HITECH) Act and finalized by the Omnibus Bill, effective March 23, 2013, by requiring HIPAA covered components and their business associates to provide notification following a breach of unsecured protected health information.

The regulations require prompt notification to affected individuals of a breach of their protected health information, as well as the Health and Human Services (HHS) Secretary and the media in cases where a breach affects more than 500 individuals. Breaches affecting fewer than 500 individuals will be reported to the HHS Secretary on an annual basis. The regulations also require business associates to notify the covered entity of a breach by the business associate or its workforce, agents or subcontractors.

It is the policy of Atlantic Dental Care, PLC to comply with the HIPAA breach notification regulations. The following procedures will be used for reporting uses and disclosures in violation of the HIPAA Privacy Rule to ensure compliance:

A breach shall be treated as discovered as of the first day on which such breach is known or should reasonably have been known to the covered entity, business associate or its subcontractor, not when the investigation of the incident is complete, even if it is initially unclear whether the incident constitutes a breach, as defined in the rule. The discovery is triggered as soon as any person, other than the individual committing the breach, who is an employee, officer, or other agent of the covered entity, business associate or its subcontractor, knows or should reasonably have known of the breach.

Atlantic Dental Care, PLC will notify individuals as soon as reasonably possible after a reasonable time to investigate the breach in order to collect and develop the information required for the notice. Notifications to individuals will be provided without unreasonable delay but in no case later than 60 days following the discovery of the breach, except when law enforcement requests a delay. Information may be provided to individuals within the required time period in multiple mailings as the information becomes available.

The HIPAA Privacy Officer will work with counsel where indicated to determine whether a breach has occurred, what notification requirements may be required, and how to perform such notification requirements.

Rev. 9/12/13 Effective 9/23/13