



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Mental Health

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Lieutenant Governor

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Secretary

BROOKE DOYLE
Commissioner

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Area Director/Office on Inpatient
Management

TO: Person Complained Of
FROM: Person in Charge: Name, Title
DATE: Date
RE: Decision Letter to Privacy Report INC#####

I am in receipt of the above referenced report filed on Date, which alleges that on Date Of Incident the person complained of (PCO) Summary of Incident /Specify PHI Involved.

In accordance with the Department of Mental Health (DMH) Privacy Handbook Chapter 16, the report was referred to the Fact Finding/Administrative Resolution process If Admin Res, State Basis. DMH worked diligently to investigate this privacy report. The investigation report (the Privacy Review) was submitted Date and accepted by the Person in Charge on Date.

During the course of the review process, individuals with information pertinent to the report were contacted. Relevant documentation was reviewed.

Findings from the Privacy Review:

During the course of review process, it was found State Findings. Identify information involved. Describe any mitigation that occurred

Decision of the Person in Charge:

Based on the above findings, there is sufficient evidence found to determine that PCO's actions are a violation of the terms of DMH's Privacy Handbook Chapter X regarding State Provisions of Chapter Violated.

The Fact Finding/Administrative Resolution process has determined these actions require, per Health Information Privacy and Portability Act (HIPPA), a report of a breach to the U.S.

Form Decision Letter for PCO Breach

Secretary of Health and Human Services. The findings of this process have led to a sanction under HIPAA and appropriate notification to affected person(s).

If also a M.G.L. C. 93H Breach Include [Delete paragraph if not applicable]: Further, the **Fact Finding/Administrative Resolution** process has determined these actions require, per M.G.L. c. 93H, a report of a breach to the Massachusetts Attorney General, Office of Consumer Affairs and Business Regulation (“OCABR”), Massachusetts state information technology division, and the Massachusetts division of public records. The findings have led to appropriate notification to affected person(s).

Actions:

Within ten business days of the date of this decision letter the PCO must review Chapter **X** of the Privacy Handbook available on DMH’s website at: **Include Hyperlink** and confirm same via email to the Person in Charge and the **DMH Area Privacy and Security Coordinator/DMH OIM Director of Health Information** once completed.

These actions are intended to protect client rights, comply with DMH policy, promote health and safety of staff and clients, and improve training and development of staff. These actions are not meant to constitute or be construed as disciplinary action and do not preclude disciplinary action per usual processes. The results of this investigation may be referred to Human Resources and/or Labor Relations and Management for further review and possible disciplinary action.

Recourse:

The PCO may appeal the decision of the Person in Charge regarding whether there was a violation of DMH’s privacy policies, procedures, and/or applicable privacy law to the DMH Privacy Officer. All appeals must be submitted in writing within ten business days of receipt of the decision (time period may be extended for good cause). The appeal must, with specificity, be based on one or more of the following factors: the failure to interview an essential witness; the failure to consider an important fact or factor; the decision is not reasonably supported by the facts; or the decision is based on an erroneous interpretation of applicable law or policy. The Privacy Officer will provide notice of the appeal to the Person in Charge and any other appropriate parties.

The written decision on the appeal will affirm, modify, or reverse the decision, and will be given within 30 days from the receipt of the appeal, unless further fact-finding is required, in which case the written decision will be issued within ten days of the report of the additional fact-finding (time period may be extended for good cause). The Privacy Officer’s decision is final.

The request for appeal should be completed on an appeal form and sent to: DMH Privacy Officer, Legal Office, Department of Mental Health, 25 Staniford Street, Boston, MA 02114.

Further, the PCO may file a complaint with: Secretary of Health and Human Services, Office of Civil Rights, U.S. Department of Health and Human services, 200 Independence Avenue, SW Room 509F, HHH Building, Washington, D.C. 20201.

Form