HIPAA/HITECH Breach Notification Flow Chart for Covered Entities to Determine Who, When and How to Notify

Is there sufficient, up-to-date information on all affected individuals (excluding decedents)?

- NO
  - Are there ≥ 10 affected individuals with insufficient contact information?
    - NO: Use substitute notice (telephone or other means)
    - YES: As soon as reasonable (not later than 60 days), prepare notices and send by 1st class mail to individuals (or by email if requested by individual)

- YES: Use substitute notice by posting notice on Covered Entity’s home page or provide notice in major print or broadcast media

Does the breach affect ≥ 500 individuals?

- NO: Add to breach log to submit annually to HHS by March 1 for previous calendar year
- YES: Provide:
  a) Notice to HHS at same time as to individuals; and
  b) Notice to prominent media outlets (if ≥ 500)

Consider State Law issues, if any