

Health Plan Document Policy

Policy:

The HIPAA Privacy & Security Rules require plan documents to set forth specific obligations and restrictions that apply to any plan sponsor that receives electronic protected health information (ePHI) from the group health plan or from its insurer or Third Party Administrator. The only exceptions to this obligation are for plan sponsors that only receive “summary health information” used for limited purposes, or for group health plans that only disclose enrollment or disenrollment information.

Responsible for Implementation:

Security Officer

Applicable To:

Workforce members responsible for reviewing plan documents.

Key Definitions:

Electronic Protected Health Information (ePHI): Any individually identifiable health information protected by HIPAA that is transmitted by or stored in electronic media.

Group Health Plan: An employee welfare benefit program that includes insured and self-insured programs, that provides medical care and payment for 50 or more participants and is administered by an entity other than the employer who established the plan. Defined by the plan documents.

Plan Administration function: A function that the plan sponsor performs on behalf of the group health plan.

Plan Documents: Documents that establish, create, or provide evidence of existence of an ERISA plan. These documents commonly include the plan description and summary plan description (SPD). The SPD is distributed to enrollees and describes benefits, limitations, exclusions, rights and responsibilities of the participants. The “plan document” might also consist of several documents that govern the group health plan.

Plan Sponsor: Kewaunee County

Procedures:

Kewaunee County agrees to:

1. Reasonably and appropriately safeguard ePHI created, received, maintained, or transmitted to or by the plan sponsor on behalf of the plan.

2. Not use or further disclose "PHI" other than as permitted or required by the plan documents or as required by law;
3. Ensure that any agents or subcontractors, to whom the plan sponsor provides PHI, agree to the same restrictions and conditions that apply to the plan sponsor;
4. Not use or disclose information for employment-related actions or decisions;
5. Report to the group health plan any use or disclosure of PHI that is inconsistent with the permitted or required uses or disclosures;
6. Make available PHI to individuals;
7. Provide individuals with an opportunity to amend PHI;
8. Provide individuals with an accounting of disclosure of their PHI;
9. If feasible, return or destroy all PHI received from the group health plan that the sponsor still maintains and retain no copies when no longer needed.
10. Ensure that adequate separation exists between employees who are authorized to use PHI and those who are not.