

What does HIPAA privacy protect?

The HIPAA Privacy Regulation creates national standards to protect an individual's personal health information and gives patients and insureds increased access to their medical information. It has always been Solstice's goal to ensure the protection and integrity of our members' personal and health information. We will comply with the privacy requirements of the HIPAA as well as other laws aimed at safeguarding privacy. We also have our own privacy policies and procedures in place. These are designed to protect customer privacy. We will continue to make this a priority.

What is PHI?

Protected health information (PHI) is health information that is created or received by a covered entity and relates to the past, present or future medical or mental condition of an individual and the provision or payment of that health condition. In order to be PHI, the information must identify the individual or provide a reasonable basis for identifying the individual. Information acquired or maintained in connection with Life and Disability Income coverage is not considered PHI.

What is a covered entity?

Covered entities that must comply with the HIPAA Privacy Rule are health plans, health care clearinghouses and those health care providers that submit or maintain certain health information in electronic format.

What is the definition of a Health Plan?

The definition of a health plan under the regulation includes health insurers that provide treatment for medical, dental, vision and/or prescription drug services or reimbursement for these health benefits. Group Health Plans include employer sponsored ERISA plans - both insured and self-insured, as well as non-ERISA plans such as church plans.

What coverages are affected?

The HIPAA Privacy Rule affects health information provided under a Medical, Dental, and Vision and/or Prescription Drug plan.

How will HIPAA affect Solstice members?

As a covered entity, Solstice will be fully compliant with all aspects of the HIPAA Privacy Regulation. An important part of our compliance initiative includes fulfilling our obligations to enable our members to exercise certain rights assured them under the Privacy Rule. These rights include:

The right to have access to designated records that contain protected health information (PHI).

The right to request restrictions on the use and disclosure of PHI.

The right to appoint personal representatives.

The right to receive confidential communications at an alternate address or location.

The right to request an accounting of disclosures of PHI.

The right to request an amendment of PHI.

The right to file a complaint.

The right to receive a Privacy Notice.

While we will administer these rights for individuals we insure, as a general rule, we will look to our self-funded group health plans to administer these rights for their insureds.

How can someone get a copy of Solstices' privacy notice?

We are asking fully insured plans to hand out the Solstice Notice of Privacy at the time a new hire enrolls in a health plan. They can make copies of the Notice if they have one in their office or order a supply by calling the Account Manager that services your plan. Also, electronic version is located on this website. Self-Insured plans are required to create their own Notice of Privacy Practices.

How does the individual file a complaint?

An individual will not be penalized for filing a complaint. A person who believes a covered entity is not complying with a requirement of the Privacy Rule may file with Office of Civil Rights a written complaint, either on paper or electronically. This complaint must be filed within 180 days of when the complainant knew or should have known that the act had occurred.

*Office for Civil Rights
U.S. Department of Health and Human Services
Jacob Javits Federal Building
26 Federal Plaza, Suite 3312
New York, New York 10278
Telephone: 212-264-3313
Fax: 212-264-3039
www.hhs.gov*

*In addition, individuals have a right to file a complaint directly with Solstice at the address below;
Attention: Solstice Compliance Officer*

*Address: Solstice
P.O. Box 19199
Plantation, FL 33318*

What if a person wants a copy of their PHI?

The request to inspect and copy protected health information should be submitted in writing. The letter should include:

- Specifics of the requested information*
- The covered time frame*
- The name, address and telephone number of the individual who is to receive the PHI.*

*The letter should be directed to the following address:
Attention: Solstice Compliance Officer*

*Address: Solstice
P.O. Box 19199
Plantation, FL 33318*

When can Solstice use PHI without an individual's authorization?

Solstice will only use and disclose protected health information (PHI) without an individual's specific authorization as described in our Notice of Privacy Practices. Authorization is not required for the purposes of treatment, payment and health care operations.

Will Solstice still release PHI to a self-insured plan?

*Solstice can continue to release employee claim data, providing the plan has taken steps to comply with HIPAA. Some of the steps needed are
Training of employees on HIPAA provisions;*

*Appointing a privacy officer to receive and protect employee claim information;
Modifying the plan documents (which are documents the plan would keep in their office on file not our certificate booklets or rider), etc.*

What are the requirements of the fully insured employer under the Privacy Regulations?

The employer/plan sponsor is not a covered entity and technically is outside the direct scope of the Privacy Regulations. However, employers and plan sponsors will be impacted greatly. Of significant impact to employers are the rules regarding what PHI a group health plan, or its insurer or business associate, can provide to the employer. The group health plan or its insurer or business associate, may not disclose PHI to the employer unless certain conditions are met. For example, the employer will have to provide a certification to Solstice, that its plan documents (which are documents the plan would keep in their office on file not our certificate booklets or rider) have been amended, and the disclosure must be necessary for the employer to carry out plan administration functions. Then access to PHI must be restricted to only those employees performing these administrative functions.

What/Who is a Business Associate?

Under the HIPAA Privacy Rules, a business associate is a person or organization that performs certain functions or activities on behalf of the covered entity, but is not part of the covered entity's workforce. Examples of activities or functions that may be performed by a business associate of a covered entity include:

- *Claims processing or administration*
- *Utilization review*
- *Data analysis, processing or administration*
- *Billing*
- *Quality Assurance*
- *Benefit Management*
- *Re-pricing*

Solstice is considering parties with whom we share health information (e.g. PPO networks and other managed care vendors) to be our business associates.

What is a Business Associate Agreement?

Before a covered entity may share protected health information with a business associate, it must obtain satisfactory assurances that the business associate will appropriately safeguard the information. This would be done through the business contract with that associate (a/k/a business associate agreement).