

CLIENT ALERT

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On January 2, 2013, we sent out a Client Alert reminding our clients that “Health Plans” are subject to HIPAA Regulations. (Visit our website for additional more information or to view the Client Alert, www.chb-group.com) Employers when acting as the sponsors of a Health Plan must be HIPAA compliant. Since then, we have received a variety of e-mails that were not sent securely and that contained protected health information (PHI). These E-mails contained attachments or information regarding as medical bills, claim inquiries, enrollment forms and evidence of insurability forms. **Every one of these e-mails constituted a security breach by the health plan under HIPAA.**

The Final Rule for HIPAA (Privacy, Security and HITECH) was recently published. Attached is an article from the law firm of Littler Mendelson which outlines perhaps the biggest issues facing employers from the final rule.

From these top five takeaways in the article, note that not all employers must provide a Notice of Privacy Practices. Only those who receive PHI must comply.

Also, CHB Group considers itself not only a covered entity as defined by HIPAA, but also a business associate to all of our clients. Our Business Associate Agreement (BAA) was updated for HITECH, therefore while we will revisit the BAA in light of the final rules, we are confident that we are already in compliance. If you use outside vendors for COBRA, On-Line Enrollment, Health Advocates etc..., you should make sure that your BAA with them is up to date. It is the responsibility of the Health Plan (employer) and the BA to have the proper documents in place.

DISCLAIMER: This e-mail/Client Alert is informational only and is not meant to advise you of your entire obligations under the HIPAA. This information is not considered insurance, legal or tax advice. If you would like more information, please do not hesitate to contact our office or your legal counsel.