

### **Health Insurance Portability and Accountability Act Compliance Policies for Self-Insured Group Health Plans**

Questar III/Rensselaer-Columbia-Greene Board of Cooperative Educational Services (“Questar”), as a sponsor of one or more self-insured group health plans (the “Plan” or “Plans”), is required under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) to implement certain policies and procedures related to the privacy of individually identifiable health information of Plan enrollees.

This Policy applies to all Questar personnel (“workers”) who have access to Protected Health Information (“PHI”) in the course of their duties relating to Questar’s self-insured group health plans, including flexible spending plans for medical reimbursement, whether or not the worker is directly involved in administration of health plan benefits for services.

This Policy does not pertain to information that Questar may receive, create, or transmit in relation to Workers’ Compensation, FMLA, fitness for duty, ADA, OSHA, employee drug screening, life insurance, or disability insurance.

#### **Protected Health Information**

For purposes of this Policy, PHI is defined as individually identifiable health information, including demographic information, that is created, received, transmitted or maintained by Questar in relation to a group health plan, regardless of form (oral, written, or electronic), if the information relates to:

- the past, present or future physical or mental health or condition of an individual;
- the provision of health care services to an individual; or
- the past, present, or future payment for the provision of health care to an individual.

PHI includes but is not limited to EOBs, treatment records, billing records, consultant reports, and laboratory or other diagnostic testing results.

#### **Confidentiality of PHI**

Workers may not divulge, copy, transfer, alter, or destroy any PHI, or remove any PHI from the premises, except as authorized by Questar or by the individual who is the subject of the information. Workers must strictly comply with all applicable federal and state laws and regulations and all policies and procedures established by the District relating to the confidentiality and protection of PHI. A worker’s responsibility to safeguard the confidentiality of PHI continues after termination of his or her employment or other relationship with Questar.

### **Administrative Safeguards**

Questar implements appropriate administrative, technical, and physical safeguards to protect the privacy of PHI and to safeguard PHI from any uses and disclosures that would be in violation of HIPAA. The Notice(s) of Privacy Practices attached to this Policy reflect Questar's policies and procedures in relation to use and disclosure of PHI.

Files containing PHI, on paper or in electronic media, must be maintained in a manner that guards against unauthorized access and disclosure. Workers must hold in strictest confidence any and all access codes, passwords, and other authorizations which enable access to computer systems in which PHI is maintained by Questar.

### **Minimum Necessary Disclosure**

Workers may use PHI only as necessary to perform their duties in relation to the Plans, and for no other purpose whatsoever. When using, disclosing, or accessing PHI, workers may only use, disclose or access the minimum PHI necessary to perform their duties. When PHI must be shared with others, it must be shared in a manner consistent with the intended purpose, taking precautions to minimize the risk of disclosure beyond the minimum necessary for the intended recipient or purpose. All workers whose duties involve access to PHI are required to undergo training in safeguards concerning use and disclosure of PHI.

### **Mitigation of Harmful Effects**

In the event of disclosure of PHI in violation of HIPAA, Questar has a duty to mitigate any known harmful effect of that violation, to the extent practicable. Any worker who becomes aware of an activity that may jeopardize the confidentiality of PHI should promptly report that activity to the District's Privacy Official.

### **Individual Rights**

Under HIPAA, an individual is entitled to certain rights concerning his or her protected health information. Those individual rights are described in and administered in accordance with the attached Notice(s) of Privacy Practices. The applicable Notice of Privacy Practices is distributed to named self-insured Plan enrollees as of April 14, 2003, and thereafter to new enrollees upon initial enrollment. No less frequently than once every three years, enrollees then covered by the Plan will be informed that the notice is available and how to obtain it.

### **Non-Retaliation and Non-Waiver of Rights**

Questar will not discriminate against, intimidate, threaten, coerce, or take any other retaliatory action against any individual or worker for exercising the rights to file a complaint with Questar's Privacy Official, or with the United States Secretary of the Department of Health and Human Services, or for testifying, assisting or participating in an investigation, compliance review, proceeding, or hearing regarding an alleged violation under HIPAA. In addition, Questar will not require an individual or a worker to waive his or her rights under HIPAA as a condition of the provision of treatment, payment, enrollment in a health plan, or eligibility for benefits.

### **Administrative Sanctions**

Any violation of this policy or violation of any applicable federal or state law relating to the protection of PHI may subject a worker to disciplinary action, in accordance with the applicable policies and procedures of Questar.

### **Complaint Process**

Questar has a complaint process by which individuals may make complaints concerning the policies and procedures of the Plan in relation to the confidentiality of PHI. Complaints regarding the inappropriate use or disclosure of PHI may be made in writing to Questar Privacy Official. Complaints may also be made to the United States Secretary of the Department of Health and Human Services.

### **Privacy Official**

The Privacy Official can be contacted at the following office address:

Susan DiDonato, School Attorney  
Questar III/Rensselaer-Columbia-Greene BOCES  
10 Empire State Blvd.  
Castleton, NY 12033