

## **HIPAA Policy 5040**

### **Uses and Disclosures of Genetic Information for Underwriting Purposes**

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Responsible Office	Office of the Provost	Effective Date	9/23/2013
Responsible Official	Privacy Officer	Last Revision	9/18/18

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#### **Scope**

This policy applies to the University's Covered Group Health Plan Component, including Yale Health and Yale University Group Health Plan

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#### **Policy Statement**

The Yale University Group Health Plan and Yale Health are prohibited from using or disclosing Protected Health Information that is genetic information for underwriting purposes.

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#### **Reason for the Policy**

Compliance with the Health Insurance Portability and Accountability Act (HIPAA) as amended by the Genetic Information Non-Discrimination Act of 2008.

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#### **Definitions**

##### **Family Member**

an individual's dependent or any other person who is a first-degree, second-degree, third-degree, or fourth-degree relative of the individual or the individual's dependent. Relatives by marriage or adoption are treated the same as relatives who share a common ancestor. First-degree relatives include parents, spouses, siblings and children. Second-degree relatives include grandparents, grandchildren, aunts, uncles, nephews, and nieces. Third-degree relatives include great-grandparents, great-grandchildren, great aunts, great uncles, and first cousins. Fourth-degree relatives include great-great grandparents, great-great grandchildren, and children of first cousins.

##### **Genetic Information**

information about 1) an individual's genetic tests, 2) the genetic tests of family members of the individual, 3) the manifestation of a disease or disorder in family members of the individual, or 4) any request for or receipt of genetic services including participation in clinical research which includes genetic services by the individual or their family member. Genetic information includes the genetic information of a pregnant woman's fetus or that of a family member or of any embryo legally held by the individual or family member using an assisted reproductive technology. Genetic information does not include the sex or age of an individual.

##### **Genetic Services**

a genetic test, genetic counseling (including obtaining, interpreting, or assessing genetic information), or genetic education.

##### **Genetic Test**

an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, if the analysis detects genotypes, mutations, or chromosomal changes. Genetic test does not include an analysis of proteins or metabolites that is directly related to a manifested disease, disorder or pathological condition.

**Manifestation or Manifested**

an individual has been or could reasonably be diagnosed with a given disease, disorder, or pathological condition by a health care professional with appropriate training and expertise in the field of medicine involved. A given disease, disorder or condition is not manifested if the diagnosis is based principally on genetic information.

**Underwriting Purposes**

development or implementation of (1) rules for, or determination of, eligibility (including enrollment and continued eligibility) for, or determination of, benefits under the plan, coverage, or policy (including changes in deductibles or other cost sharing mechanisms in return for activities such as completing a health risk assessment or participating in a wellness program);

(2) the computation of premium or contribution amounts under the plan, coverage, or policy (including discounts, rebates, payments in kind, or other premium differential mechanisms in return for activities such as completing a health risk assessment or participating in a wellness program);

(3) The application of any pre-existing condition exclusion under the plan, coverage, or policy; and

(4) Other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

Underwriting purposes do not include determinations of medical appropriateness where an individual seeks a benefit under the plan, coverage, or policy

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**Contacts**

Subject	Contact	Phone
HIPAA Compliance	Chief HIPAA Privacy Officer	203-432-5919
Information Security	Central Campus Help Desk	203-432-9000
	Medical School Campus Help Desk	203-785-3200

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**Roles and Responsibilities**

**Office of the Provost**

Responsible for University compliance issues including HIPAA

**Office of General Counsel**

Interprets HIPAA regulations; reviews and approves all HIPAA related contracts including contracts with Business Associates or for research contracts

**University Information Security Officer**

Individual responsible for overseeing information security and ensuring compliance with security requirements of HIPAA

### **Chief HIPAA Privacy Officer**

Individual responsible for overseeing and ensuring HIPAA compliance throughout Yale University; coordinates compliance related activities through the following deputies in each of the covered schools, departments, or other entities:

Deputy Privacy Officer, School of Medicine

Deputy Privacy Officer, School of Nursing

Deputy Privacy Officer, Yale Health Services

Deputy Privacy Officer, Yale Health Plan/Group Health Plan

Deputy Privacy Officer, Department of Psychology Clinics

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### **Revision History**

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The official version of this information will only be maintained in an on-line web format. Any and all printed copies of this material are dated as of the print date. Please make certain to review the material on-line prior to placing reliance on a dated printed version.

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