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### **Is the Yale University's Benefits Office a covered entity under the HIPAA Privacy Rule?**

HIPAA applies to both healthcare providers and to health plans.

One function of the Benefits Office is the administration of the various medical, dental and insurance benefit plans offered through the University. In this role, the Benefits Office is required to comply with HIPAA.

### **Are any of the functions of the Benefits Office excluded from the HIPAA Privacy Rule?**

Yes, the Benefit's Office's role in Workers Compensation cases and Long-term disability cases are excluded from the HIPAA Privacy Rule. However, the information associated with these functions must still be treated with the appropriate respect for the confidentiality and dignity of the individuals affected.

### **Is everyone in the Benefits Office required to take the HIPAA training?**

All employees who work in the Benefits Office, including casuals and temporary staff, are required to complete the HIPAA training module at the start of their employment.

### **Can an employee of the Benefits Office obtain PHI without a written authorization from a staff member when assisting with a claim for benefits?**

When a University employee asks for help in obtaining proper reimbursement for a claim, the Benefits Office staff may use and disclose the employee's PHI to assist in processing the claim.

**Can PHI be disclosed to a family member or individual who calls to inquire about a claim?**

Claim status information may be disclosed to a family member or individual when the individual provides information that demonstrates that they are involved in handling claim matters for the member, provided that the member has not previously requested any restrictions of such disclosures.

**Can a union representative who may be representing me in a benefits dispute obtain PHI from the Benefits Office on my behalf?**

Unlike the Benefits Office staff who are involved in administering the University's benefits plans, other employees or union representatives would not have authority to access or obtain PHI on behalf of an employee without a signed HIPAA authorization, even when assisting in a claim resolution. However, if the union representative contacts the Benefits Office together with the member, the Benefits Office staff could disclose the member's PHI to the union representative if the member verbally agrees to the disclosure.

**Under the HIPAA Privacy Rule are all members of health plans to be provided with a Notice of Privacy Practice (NOPP)?**

Yes, health plans must provide covered members with a copy of the NOPP at the start of their enrollment in the plan. In addition, every three years the health plan is required to notify individuals covered by the plan of the availability of the NOPP and how to obtain the notice. Also, if a revision to the NOPP is made, then the health plan must notify those enrolled within 60 days of the change.

Note that the individual health insurance plans (e.g., Aetna, Yale Health, Delta Dental, etc.) provide the Notice of Privacy Practices on behalf of University. In some cases, the Notice is provided to the subscriber employee on behalf of both the subscriber and their dependents.

**Can the subscriber act on behalf of the other dependents listed on the policy?**

The employee who is the actual subscriber on the benefit plan may act on behalf of their dependent members such as spouse, partner, or children, listed on the policy for various plan administration purposes such as enrollment, premium payments, health insurance claims and benefit related concerns.

**How does the Benefits Office protect PHI that it may receive on behalf of an employee and/or their dependents?**

Any PHI that the Benefits Office may receive must be protected under the HIPAA Privacy Rule. In addition to the physical safeguards, the Benefits Office protects any PHI it may receive by maintaining a “firewall” that limits how and which staff members may use, disclose, discuss and/or review the PHI of employees and their dependents. In particular, information is not allowed to be shared with human resources or personnel without authorization by the employee.

**Does HIPAA prohibit Yale from using health information for employment related decisions?**

In general, HIPAA prohibits an employer from using PHI for employment determination unless the employee has signed an authorization. However, if the employer requested specific test and services as part of pre and continued employment requirements these would not be considered PHI and therefore not protected under the HIPAA Privacy Rule. For example, employee health monitoring by the Office of Environmental Health and Safety is not covered under the HIPAA Privacy Rule.