

## Helping Employees While Protecting Their HIPAA Privacy

The Privacy portion of The Health Insurance Portability and Accountability Act (HIPAA) has made assisting employees with questions about their insurance coverage or claims issues increasingly difficult for an employer who wishes to remain "Hands-Off" PHI. PHI stands for Protected Health Information, which is individually identifiable health information. As an employer you may want to avoid PHI but you may still want to assist your employees. Choosing to assist an employee with an issue involving PHI requires additional administrative duties under HIPAA. You first need to have an employee sign a HIPAA Authorization form before you can assist them. You then need to fax the authorization to the insurance company or healthcare provider before their representative will talk to you about the employee's PHI. Without this authorization, an employer may inadvertently become "Hands-On" PHI and subject to more onerous privacy requirements, or worse yet, accused of using PHI for unlawful purposes such as hiring or firing decisions.

To assist you with HIPAA Compliance, while helping your employees, The Conestoga Group purchases for all of our group insurance clients a service called Health Advocate™. This service is available to all full time employees and their family members (parents included), whether enrolled in the health plan or not. Health Advocate™ follows all of the required procedures to protect employee confidentiality and privacy under HIPAA. In addition, the employees of Health Advocate™ are highly trained specialists in the field of navigating the health care system including Medicare. All are experienced medical professionals, including many nurses and physicians. This experience, combined with their training, allows them to be experts on both the insurance and the medical care side of making benefit plans work properly for employees. Most employer representatives and even our own customer service representatives are not likely to answer questions or resolve problems as efficiently as Health Advocate.

The following attachment may help you communicate your desire to assist employees through Health Advocate™ while still protecting their privacy rights. It is an informational sheet to educate employees on Health Advocate's™ services. This handout also mentions the option for an employee to request a copy of the Company's HIPAA Privacy Policy. If you need a sample HIPAA Privacy Policy or have any questions on the attached please contact Fredonna Smith at 610-889-9500, extension 103 or [fredonna.smith@conestoga.biz](mailto:fredonna.smith@conestoga.biz).

*The Conestoga Group is an insurance, investment and employee benefits broker and consulting firm based in Frazer, PA. Conestoga specializes in providing financial products and services to small businesses and their owner/executives and other employees. Founder and President Brad Palmer is an Investment Advisory Representative of Commonwealth Financial Network-a registered investment advisor and member firm of the NASD/SIPC. Brad can be reached at 610-889-9500 extension 101 or at [brad.palmer@conestoga.biz](mailto:brad.palmer@conestoga.biz).*

### NOTICE

These legislative comments are our interpretations of information provided to us by various legal and other resources as of 1/18/07. It is possible the information was presented incorrectly or that we have misunderstood the presentation. The purpose of this communication is to provide you with basic summary information on the subject matter to assist you in determining if you may need to seek legal or other professional assistance. This update and its attachments should not be construed as legal, tax, investment, or other advice and does not take into consideration specific factors unique to the reader's situation.

# *Protecting Your Privacy Under HIPAA*

## **HIPAA Privacy and Your Health Information**

Medical information regarding your health is private and protected by a Federal law, called HIPAA. HIPAA gives you rights to privacy and sets limits as to who can look at and receive your Protected Health Information (PHI). Your employer sponsors a group health insurance plan through your health insurer and is committed to protecting your privacy by remaining "Hands-off PHI. If you have an issue with an insurance claim or a question about your health coverage it is better to ask about it in general terms than to disclose specific information about your health or to bring in copies of your Explanation of Benefits (EOB) from the Insurer.

To assist you and your family members with your health insurance questions your employer provides you with access to a service called Health Advocate™. Health Advocate's employees are highly trained specialists in the field of navigating the health care system including Medicare. All are experienced medical professionals, including many nurses and physicians. This experience, combined with their training, allows them to be experts on both the insurance and the medical care side of making benefit plans work properly for employees. They are independent, objective and provide you with the help and information you need while protecting your privacy and confidentiality. They can help you coordinate care among physicians, assist with claims or billing problems, locate physicians, and provide meaningful suggestions regarding eldercare issues. Some of Health Advocate's™ best features include:

- Saves members considerable time and money
- Helps members eliminate the hassles and frustrations typically encountered when dealing with the healthcare system
- Assists members finding the best doctors, hospitals and other healthcare providers
- Handles problems and addresses issues quickly and professionally
- Protects your privacy and confidentiality
- Facilitates access to centers of medical excellence
- Cuts through administrative red-tape

Health Advocate™ is available 24 hours a day, 7 days a week. You or your family member may contact them toll free at 866-695-8622 or visit the website at [www.healthadvocate.com](http://www.healthadvocate.com).

This additional employee benefit is not avoidance on our part in helping you with insurance claims but an added employee benefit to enable you access to experts in the field of Health Insurance.

If you have any questions or if you wish to see a copy of our HIPAA Privacy Policy, please contact your Plan Administrator.