

AGENCY RESPONSIBILITY



STATUTORY OBLIGATIONS

- The information that you are entrusted with from members – enrollment forms, supporting documents (birth certificates, marriage certificates, etc.), and other insurance documents are protected under the HIPAA Privacy and Security Rule(s).
- HIPAA requires that Covered Entities, like PEIA, implement strong controls against fraud, waste, and abuse (FWA). It is the responsibility of the employer agency to ensure that they, and their employees are in compliance with PEIA rule(s).

Agencies participating in PEIA Plan(s) are not the “Employer Sponsor” of the health insurance. They are employer agencies that are allowed by statute (*West Virginia Code §5-16-2*) to participate in a, “Non-federal Government Employer Sponsored Health Plan” whereby the “Employer Sponsor” is the State of West Virginia. As such, participating agencies cannot alter, amend, or otherwise ignore PEIA rule(s) with regard to eligibility and/or other key aspects of the Plan(s).

SOURCES

Source 1

<https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html>

Source 2

[https://www.hhs.gov/hipaa/for-professionals/faq/right-to-an-accounting-of-disclosures/index.html#:~:text=Individuals%20have%20a%20right%20to,associate\)%2C%20with%20certain%20exceptions.](https://www.hhs.gov/hipaa/for-professionals/faq/right-to-an-accounting-of-disclosures/index.html#:~:text=Individuals%20have%20a%20right%20to,associate)%2C%20with%20certain%20exceptions.)

Source 3

<https://www.cms.gov/marketplace/private-health-insurance/self-funded-non-federal-governmental-plans>

Source 4

West Virginia State Code §5-16-12 and §5-16-12a

HIPAA CONSIDERATIONS FOR BENEFIT COORDINATORS



- Agency Responsibility
- Privacy & Security Safeguards
- PHI Protections
- Administrative Safeguards
- Statutory Obligations



PRIVACY & SECURITY SAFEGUARDS

- The information that you are entrusted with from members – enrollment forms, supporting documents (birth certificates, marriage certificates, etc.), and other insurance documents are protected under the HIPAA Privacy and Security Rule(s).
- Minimum Necessary: Requires entities to use or disclose only the minimum amount of PHI needed for a given purpose.
- Use and Disclosure: Sets limits on how PHI is used, requiring authorization for most disclosures not related to treatment, payment, etc.



PHI PROTECTIONS FOR MEMBERS

- Those documents are not the employer's – they “belong” the members. You, as the employer, are only the custodian of the record(s) and are responsible for ensuring the privacy, security, integrity, and confidentiality of those records.
- The documents and insurance related records should be protected from further disclosure and/or unauthorized access by those not properly trained in HIPAA.

ADMINISTRATIVE SAFEGUARDS FOR THE AGENCY

- Only agency-authorized Benefit Coordinators and Web Contribution Coordinators are allowed to access the PEIA Manage My Benefits “Year-Round Enrollment” (MMB/YRE) and Web Contributions Portals. The sharing of credentials and/or allowing others to access or view the sites is a violation of the security rules and will result in the termination of access privileges.
- It is the responsibility of the participating employer agency to keep a copy of any and all records and communications regarding a participating employee's insurances, enrollment forms, eligibility forms, supporting documents, etc. Agency BCs/WCCs must be able to provide those records to the employees and/or PEIA upon request as required under HIPAA's “Accountability of Disclosure(s)”.

