

**TEXAS ASSOCIATION OF COUNTIES
HEALTH AND EMPLOYEE BENEFITS POOL
HIPAA POLICIES**

**DISCLOSURES OF PROTECTED HEALTH INFORMATION
TO THE PLAN SPONSOR**

Effective Date: March 17, 2003

POLICY

HEBP will disclose, or permit disclosure of protected health information ("PHI") to the plan sponsor only to the extent and in the manner allowed by the Privacy Rule.

PROCEDURE

- Before disclosure is made to the plan sponsor, HEBP must ensure that the plan documents restrict uses and disclosures of such information by the plan sponsor consistent with the requirements of the Privacy Rule.
- HEBP may disclose summary health information to the plan sponsor, if the plan sponsor requests the summary health information for the purpose of: 1) obtaining premium bids from health plans for providing health insurance coverage under the group health plan; or 2) modifying, amending, or terminating the Plan.
- HEBP may disclose to the plan sponsor whether an individual is participant in the HEBP Plan.
- HEBP will, if necessary, amend its plan documents to ensure that they contain provisions to: 1) establish the permitted and required uses and disclosures of such information by the plan sponsor; and 2) provide that the Plan will disclose PHI to the plan sponsor only upon receipt of a certification by the plan sponsor that the Plan Sponsor agrees to:
 - Not use or further disclose the information other than as permitted or required by the plan documents or as required by law;
 - Ensure that any agents to whom it provides PHI received from HEBP agree to the same restrictions that apply to the plan sponsor with respect to such information;

- Not use or disclose the information for employment related actions and decisions or in connection with any other benefit or employee benefit plan of the plan sponsor;
 - Report to HEBP any use or disclosure of PHI that is inconsistent with the uses or disclosures provided for of which it becomes aware;
 - Make available PHI for amendment and incorporate any amendments to PHI agreed to or required by HEBP;
 - Make PHI available to an individual who has a right to access it pursuant to the Privacy Rule;
 - Make available the information required to provide an accounting of disclosures in accordance with the Privacy Rule;
 - Make its internal practices, books, and records relating to the use and disclosure of PHI received from HEBP available to the Secretary for purposes of determining compliance by HEBP with the Privacy Rule; and
 - If feasible, return or destroy all PHI received from HEBP that the sponsor still maintains in any form and retain no copies of such information when no longer needed for the purpose for which the disclosure was made; and
- HEBP will ensure, prior to any disclosure to the plan sponsor, that the plan documents:
 - Describe those persons under the control of the plan sponsor who may be given access to the protected health information to be disclosed;
 - Restrict the access to and use by such employees to the plan administration functions that the plan sponsor performs for the Plan; and
 - Provide an effective mechanism for resolving any issues of noncompliance by such persons.
 - HEBP will not disclose and will not permit a business associate to disclose PHI for the purpose of an employment-related action or decision or in connection with any other benefit or employee benefit plan of the plan sponsor.