

## **What is HIPAA Privacy, and what are the responsibilities of the Office of Health Benefits and Agency Benefits Administrators to comply with HIPAA?**

The Department of Human Resource Management's Office of Health Benefits Programs is required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. These federal regulations impose standards for safeguarding personal individually identifiable medical information, also referred to as "protected health information (PHI)." The Rule creates significant requirements and imitations in the way that PHI is handled within the Office of Health Benefit Programs, as well as by Agency Benefits Administrators.

Specifically, the Privacy Rule:

- Sets boundaries on how an employee's personal health records are used or disclosed
- Establishes safeguards that health plan and benefits offices must follow to protect PHI
- Restricts employers from using PHI in employment decisions (particularly against employees, such as in hiring/firing or promotion decisions)
- Holds violators accountable with civil and criminal penalties
- Gives employees more control over their own personal health information

HIPAA requires the health plan to provide employees and plan participants with a notice of privacy rights. The notice describes, in general terms, how the health plan will protect health information and specifies individuals' rights to:

- Obtain a copy of their PHI
- Correct errors in their PHI
- Get an accounting of how their PHI has been used and to whom it has been disclosed
- Request limits on access to their own PHI
- Complain and seek relief if they believe their own PHI has been mishandled

As required by HIPAA, this notice is to be distributed by the Agency's Benefits Office to all new hires and new plan participants no later than 60 days after their enrollment into an Office of Health Benefits Programs plan.

The Privacy Notice can be found at [www.dhrm.virginia.gov](http://www.dhrm.virginia.gov) (Click on "Benefits Administration" and the on "Notices") as well as in the plans' Member Handbooks.