

# HIPAA Frequently Asked Questions

## **What is HIPAA?**

HIPAA stands for Health Insurance Portability and Accountability Act of 1996. It is a federal law that was designed to be implemented in several phases. The first phased insured that all Americans have health benefit protection when they change jobs or lose health coverage. It also limits pre-existing condition exclusions and prohibits discrimination based on health status. The privacy and security parts of HIPAA have recently been introduced. Privacy practices and procedures are now in place to protect the past, present or future physical or mental health condition or payment or treatment of an individual.

## **Who is affected by HIPAA?**

Anyone who uses health care or health insurance is affected. You will see changes at your physician's office and in hospitals or other facilities. All of the health insurance plans offered by the PEBTF are also affected by HIPAA laws, as well as the PEBTF itself.

## **What changes can I expect when I contact the PEBTF by telephone?**

You will be asked certain questions to verify your identity and, if you are not the patient, your authority to receive the information. In some circumstances, you may be asked to provide documentation of your authority such as a Power of Attorney. In other circumstances, such as requests to share information with your Human Resources Office, you may be asked to complete an Authorization to allow the PEBTF to disclose your information to another individual.

## **Will I be able to see claim information for my spouse when I log on to accessPEBTF?**

No. The privacy rule allows disclosures of protected health information only to the individual who is the subject of the information, or to a personal representative. A personal representative is someone who has a legal authority according to state law to act on behalf of an individual in making decisions related to health care. Personal representatives include:

- Parents of unemancipated minor children
- Court-appointed guardians
- Persons with Powers of Attorney
- Executors/Administrators of Estates
- Persons appointed in "living wills" or medical directives

A spouse is not a personal representative unless he or she is also a Power of Attorney.

**How can I, as the employee member, discuss my spouse's claims with a PEBTF representative?**

You will be able to discuss your spouse's information only with an Authorization, either verbal or written, from him/her to do so. Verbal authorization will only apply to the particular disclosure and you must provide a new verbal or written Authorization for future disclosures.

**How can I, as the employee member, discuss my child's claims with a PEBTF representative?**

You will be able to discuss your child's claims if he or she is an unemancipated minor (under age 21, according to Pennsylvania law) with simple verification of your identity. We will generally consider you to be the minor child's personal representative. In some circumstances, however, Pennsylvania law allows minor children to receive health care without parental consent. Those circumstances include contraception, pregnancy testing and treatment, prenatal care, testing and treatment for reportable diseases, sexually transmitted diseases and HIV/AIDS. You will need to obtain Authorization from your minor child before we will release this type of information to you. If your child is age 21 or over, you are no longer considered to be his/her personal representative and will require an Authorization from your child in order to receive claims information.

**What is the Authorization Form?**

The Authorization Form allows the PEBTF to disclose information at your direction to someone you designate to receive it. The information that is included in the Authorization is required by the HIPAA Privacy Rule. Therefore, the Authorization must be completed thoroughly and accurately before we are permitted to disclose the information. The Authorization Form includes instructions to assist you to in its completion.

**What about a Power of Attorney?**

A Power of Attorney is considered to be a personal representative and, as such, will be treated by the PEBTF as if that representative were the individual. The rights of a Power of Attorney to received protected health information are limited to the right of that person to make decisions about an individual under the law. For example, if a Power of Attorney is activated only in the event of incapacity, the Power of Attorney would have the right to access protected health information as a result of the incapacity but would not have the right to access information about treatment the individual received prior to being incapacitated.

**What is the Notice of Privacy Practices that was sent to me by the PEBTF?**

The Notice outlines how the PEBTF may use and disclose your protected health information (PHI). The Notice describes PEBTF's legal responsibilities to protect your information and your rights to access your PHI. The Notice also provides contact information for questions or concerns regarding the privacy of your protected health information.