

**EMPLOYEE GROUP INSURANCE  
TREATMENT OF PROTECTED HEALTH INFORMATION**

<b>Section 4.2: Access to PHI</b>	<b>Page: 1 of 4</b>
<b>Effective Date: April 14, 2003</b>	

**POLICY**

In its capacity as a Covered Entity, EGI shall limit access to PHI to those persons that require access to the PHI in order to carry out their Self-funded Group Health Plan related duties.

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**4.2(1) Individuals With Access to Plan PHI**

System Administration has been designated as a Hybrid Entity. Only currently employed staff of EGI and the other designated Health Care Components within System Administration who have received the training required by this Manual are entitled to access PHI collected or held by EGI as a Covered Entity. All such employees are specifically required to comply with this Manual.

**4.2(2) EGI's Health Care Components**

EGI's Health Care Components consists of the following and shall have access to PHI as follows:

- a. EGI Staff: Current EGI employees shall have access to PHI in order to conduct any permissible Use or Disclosure of PHI in accordance with the terms of this Manual. Employees whose duties require access to the entire Medical Record shall have access to an individual's entire Medical Record to the extent the entire Medical Record may be Used or Disclosed under the terms of this Manual. Otherwise, employees shall have access only to the minimum necessary PHI relating to the specific duties to which they are assigned. All employees shall have access to PHI only during the time periods they are on duty in the capacity for which they require the Use of the PHI. No employee shall request, or without a signed Authorization, Use or Disclose PHI for any non-Self-funded Group Health Plan related purpose of any kind, even if the employee's specific job duties include both Self-funded Health Plan and non-Self-funded Group Health Plan related functions, regardless of whether the PHI would be of use in performing the non-Self-funded Group Health Plan duties. No employee shall re-identify De-identified PHI unless it is part of the employee's specific duties with regard to that particular PHI and only as approved by the Privacy Officer as set forth in Section 4.13 of this Policy. The various functions of EGI staff and additional detail regarding type of access are:
  - i. Benefits staff shall have access to all PHI (including the entire Medical Record) maintained in any medium by EGI during the time periods staff is performing job-related functions, which functions may include but are not limited to claims review and

- adjudication; resolution of appeal issues; requests for proposals and plan development; and resolving enrollment, coverage and eligibility issues.
- ii. Financial staff shall have access only to minimum PHI necessary for performing job-related functions, which functions may include but are not limited to, payment of claims, adjustment of claims, and premium payments.
  - iii. Information Systems staff shall have access to all PHI they maintain in any medium, during the time periods staff is performing job-related functions. PHI may be contained or stored in the various computer systems and magnetic media managed by the staff. Access to PHI maintained in other mediums by EGI shall be permitted to the extent required for staff to perform duties as assigned, which may include, but are not limited to, reporting functions, analysis functions, reconciliation functions, maintenance and repair functions, testing, addressing enrollment and eligibility issues, billing and payment.
  - iv. The Executive Director of Employment and Benefits Administration and the EGI Director shall have the same access rights as set out above for all EGI functions, to the extent necessary to carry out the responsibilities of their positions, which include but are not limited to, oversight of all EGI functions and appeals resolution.
- b. Medical Director: Any licensed physician employed by The System, who is specifically appointed to act as a Medical Director on behalf of EGI or to provide a professional medical opinion to EGI staff in the performance of staff's duties in relation to a Self-Funded Group Health Plan offered by EGI, shall be considered a Health Care Component of the Hybrid Entity in which EGI is a Covered Entity and have access to PHI in order to provide the services he or she is appointed to provide. Such access shall be limited to the PHI, necessary in the professional judgment of the physician, to perform a service, including, if necessary, an individual's entire medical record. Any licensed physician employed by EGI as a Medical Director shall be considered EGI staff and may have the same access to PHI that is granted to the Director in Paragraph a of this Subsection.
- c. Complaint Review Committee: Any licensed physician who is employed by System and is designated by EGI to serve on EGI's Complaint Review Committee shall be considered a Health Care Component of the Hybrid Entity in which EGI is a Covered Entity and may have access to an entire medical record to the extent that access is necessary to ensure a complete and accurate evaluation of the claim under review. A physician serving on the Committee shall not be considered to be providing Treatment in connection with such services.
- d. Privacy Officer: The Privacy Officer shall be considered a Health Care Component of the Hybrid Entity in which EGI is a Covered Entity and have access to PHI in order to conduct any permissible Use or Disclosure of PHI in accordance with the terms of this Manual. The Privacy Officer shall have access to an individual's entire medical record to the extent (i) the entire medical record may be Used or Disclosed under the terms of this Manual, or (ii) such PHI must be reviewed in order to determine whether a Use or Disclosure is permissible under the terms of this Manual.
- e. Office of General Counsel. Only an attorney, a paralegal under supervision of an attorney, and/or a legal intern and support staff assigned specifically by the Office of General Counsel

(OGC) to provide services to EGI in regard to health benefits offered through EGI, or to provide services to the Privacy Officer in connection with the Privacy Officer's responsibilities pursuant to this Manual, shall be considered a Health Care Component of the Hybrid Entity in which EGI is a Covered Entity and have access to PHI as necessary to evaluate legal issues that arise. The attorney, and any paralegal or legal intern under the supervision of the attorney, may have access to the entire medical record if complete access is necessary, in the professional judgment of the attorney, to ensure a complete and accurate evaluation of a case. Access shall be available to the attorney at all times. Clerical and administrative staff directly supporting the attorney shall have access to the PHI only as necessary during the time periods they are providing specific support services involving that particular case. File clerks shall be authorized to take note of any information necessary to correct filing (name, date, etc.). No employee shall request, or without a signed Authorization, Use or Disclose PHI for any non-case related purpose of any kind.

f. Office of Human Resources: Employees of the System Administration Office of Human Resources (SAOHR) whose duties specifically require the employee to access PHI on behalf of EGI for purposes of providing Administrative Services to a Self-funded Group Health Plans shall be considered a Health Care Component of the Hybrid Entity in which EGI is a Covered Entity and have access to an individual's entire medical record to the same extent the entire medical record may be Used or Disclosed under the terms of this Manual. However, each employee shall have access only to the PHI relating to the specific duties to which they are assigned and only during the time periods they are on duty in the capacity for which they require the Use of the PHI. No employee shall request, or without a signed Authorization, Use or Disclose PHI for any non-Self-funded Group Health plan related purpose of any kind even if the employee's specific job duties include both Self-funded Group Health Plan and non-Self-funded Group Health Plan related functions, regardless of whether the PHI would be of use in performing the employee's non-Self-funded Group Health Plan duties.

g. Office of Information Resources: Office of Information Resources (OIR) supervisors shall be considered a Health Care Component of the Hybrid Entity in which EGI is a Covered Entity and shall have access to all PHI contained in System Administration's computer system for maintenance and repair purposes. Access to paper or other types of PHI shall be granted to department supervisors when necessary to complete a specific function for the information management system. Other members of OIR shall be considered a Health Care Component of the Hybrid Entity in which EGI is a Covered Entity and have access to PHI in the computer system only for specific purposes as delegated and monitored by an OIR supervisor. OIR management supervisors and employees shall have access to PHI only while on duty.

#### **4.2(3) Access to PHI by Other Persons Including System Administration and System Employees and Officers**

If a person not identified in Subsection 4.2(2) of this Section desires to access PHI, such access shall be treated as a Use or Disclosure of PHI, as applicable. The determination of whether a Use or Disclosure of PHI is permissible shall be made under the applicable provisions of this Policy, unless the person is a Business Associate or the employee of a

Business Associate of EGI; a person with a Limited Data Set agreement with EGI; or, another Covered Entity in which case the determination shall be made under the applicable provisions of Policy 6 of this Manual.

**REFERENCES/CITATIONS**

45 C.F.R. §§ 164.502(b), 164.504(a)-(c), 164.514(d)(2)

65 Fed. Reg. at 82,543-45, 82,712-16 (Dec. 28, 2000)