

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

Section 4.5: Conducting Underwriting Activities	Page: 1 of 1
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POLICY

Under HIPAA, a Group Health Plan may condition eligibility for enrollment on the Member's Authorization to allow PHI to be obtained for the purpose of risk rating or underwriting an individual enrollment. In some circumstances, EGI requires evidence of insurability as a condition of a Member's enrollment in a Group Health Plan. In such cases, enrollment will be conditional upon the individual's Authorization for EGI to receive PHI for underwriting purposes.

4.5(1) Conditioning Plan Enrollment on the Individual's Authorization

A Member's ability to be enrolled in a Group Health Plan may be conditioned on the Member's provision of a valid Authorization for EGI to obtain PHI for the purpose of underwriting, premium rating, or other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits (collectively, "underwriting activities") based on its current Self-funded Group Health Plan's requirements relating to evidence of insurability. Such Authorization shall not permit the Use or Disclosure of Psychotherapy Notes.

4.5(2) Request for PHI for Underwriting Activities

Unless and until EGI receives an individual's Authorization, EGI shall not request the individual's PHI from other entities in order to conduct underwriting activities.

4.5(3) Use and Disclosure of PHI Received for Underwriting Activities

Unless and until a Member is enrolled in a Group Health Plan, EGI shall not Use and Disclose PHI received for underwriting activities except for such underwriting activities or as otherwise required by law. Upon the Member's enrollment, EGI may Use and Disclose such PHI as permitted by this Manual.

REFERENCES/CITATIONS

45 C.F.R. §§ 164.508(b)(4)(ii), 164.514(g)

65 Fed. Reg. at 82,514, 46 (Dec. 28, 2000)