

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

Section 7.1: Notice of Individual Rights Concerning PHI	Page: 1 of 3
Effective Date: April 14, 2003	

POLICY

EGI shall give individuals the right to adequate notice of the Uses and Disclosures of PHI that may be made by EGI in its capacity as a Covered Entity, and of the individual's rights and EGI's legal duties with respect to such PHI.

7.1(1) Maintenance of the Notice.

EGI shall maintain a notice of privacy practices, written in plain language, that contains the following required provisions:

- a. A prominently displayed header stating, "THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY";
- b. A sufficiently detailed description of all purposes for which EGI in its capacity as a Covered Entity is permitted or required to Use or Disclose PHI;
- c. A statement that any Use or Disclosure not described in the notice requires an Authorization and that the individual may revoke any such Authorization;
- d. A statement that EGI may contact the individual to provide information about treatment alternatives or other health-related benefits and services that may be of interest to the individual;
- e. A statement of the individual's rights with respect to PHI and a brief description of how the individual may exercise such rights;
- f. A statement that EGI is required by law to maintain the privacy of PHI and to provide notice of its legal duties and privacy practices with respect to PHI;
- g. A statement that EGI is required to abide by the terms of the notice currently in effect;
- h. A statement that EGI reserves the right to change the terms of its notice and to make the new notice provisions effective for all PHI that it maintains, and a statement describing how EGI shall provide individuals with a revised notice;
- i. A statement that individuals may complain to EGI and to the Secretary if they believe their privacy rights have been violated, a description of how to file a complaint with EGI, and a statement that the individual will not be retaliated against for filing a complaint;
- j. The name or title and telephone number of the Contact Person; and
- k. The effective date of the notice.

7.1(2) Distribution of Notice.

EGI shall distribute the notice as follows:

- a. Covered Individuals: To all individuals covered by a Self-funded Group Health Plan as of April 14, 2003 on or before such date.
- b. New Enrollees: To all individuals who become new enrollees in such a plan after April 14, 2003, at the time of enrollment.
- c. Covered Individuals Upon Revision: To all individuals covered by a Self-funded Group Health Plan upon material revision of the Notice that takes place after April 14, 2003, within 60 days of such revision.
- d. Anyone upon Request: To any individual who requests a copy regardless of the individual's relationship with the Self-funded Group Health Plan, within 30 days of such request.

7.1(3) Revision of the Notice.

- a. The Privacy Notice may be revised at any time. EGI shall revise the notice promptly whenever there is a material change to the privacy practices stated in the notice, including any change required by law.
- b. The effective date of a revised notice may not precede either (i) the date it is printed or otherwise published or (ii) if applicable, the date such revision is required by law to be effective.
- c. The revised notice shall be distributed to individuals if, and to the extent, required by the former version. If the revised notice effects a material change to the Uses or Disclosures, the individual's rights, EGI's legal duties, or other privacy practices stated in the notice, the revised notice shall be promptly distributed to all individuals then covered by the Self-funded Group Health Plan. EGI shall inform a Business Associate of changes to its notice that affect the Business Associate.

7.1(4) Informing Covered Individuals About the Notice.

- a. No less frequently than once every three years, EGI shall notify individuals then covered by the Self-funded Group Health Plan of the availability of the notice and how to obtain the notice.
- b. The notice shall also be prominently posted on, and made available electronically through, the EGI website at <http://www.utsystem.edu/egi/hipaa>.

7.1(5) Use of a Joint Notice.

EGI may use a joint notice of privacy practices that describes the privacy practices of each Self-funded Group Health Plan. A joint notice shall identify each Self-funded Group Health

Plan covered by the notice. The distribution of a joint notice to an individual by EGI satisfies the notice distribution requirements with respect to each other Self-funded Group Health Plan covered by the notice.

7.1(6) Distribution of the Notice

- a. The notice may be distributed together with, or contained within, a Self-funded Group Health Plan summary plan description. If an individual who is a named insured covers a spouse or dependents under the Self-funded Group Health Plan, a single copy of the notice provided to the named insured satisfies the notice requirement as to that individual, the individual's spouse and any covered dependents.
- b. EGI may provide the notice electronically if the individual has agreed to electronic notice and such agreement has not been withdrawn. For example, if EGI asks an individual applying for coverage for an e-mail address, and the individual provides an e-mail address, EGI may infer that the individual has agreed to electronic notice. If EGI knows that electronic transmission has failed, a paper copy must be provided to the individual. An individual who has agreed to electronic notice retains the right to receive a paper copy of the notice upon request.
- a. EGI shall document any request for the notice by a covered individual and EGI's provision of the notice to a covered individual, in accordance with Section 9.2 of this Manual.

7.1(7) Documentation of Notice.

EGI shall retain a copy of each version of the notice, in writing or electronically. Such documentation shall be retained in accordance with Section 9.2 of this Manual.

REFERENCES/CITATIONS

45 C.F.R. § 164.520

65 Fed. Reg. at 82,547-52, 82,720-26 (Dec. 28, 2000); 67 Fed. Reg. at 53,241 (Aug. 14, 2002)