

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

Section 8.1: Cooperation With the Secretary's Investigation	Page: 1 of 2
Effective Date: April 14, 2003	

POLICY

EGI shall cooperate with the Secretary in the event the Secretary initiates a complaint investigation or compliance review of EGI's privacy policies, procedures, and practices.

8.1(1) Access to Records Held by EGI

- a. EGI shall permit the Secretary to access EGI's facilities, books, records, accounts, and other sources of information (including PHI) if the Secretary requires such access during a complaint investigation or a compliance review in order to ascertain EGI's compliance with the HIPAA Privacy Standards.
- b. Such access shall be granted during normal business hours upon reasonable advance notice by the Secretary. However, EGI shall permit access by the Secretary at any time and without prior notice if the Secretary informs EGI of its determination that exigent circumstances exist, such as when documents may be hidden or destroyed absent immediate access.

8.1(2) Access to Records Held by Another

- a. If the Secretary requires access to information during a complaint investigation or a compliance review in order to ascertain EGI's compliance with the HIPAA Privacy Standards, and such information is in the exclusive possession of a person other than EGI, EGI shall take reasonable steps to obtain the information for the Secretary.
- b. If the person with possession of the information provides the information to EGI, EGI shall provide access to the Secretary in accordance with Subsection 8.1(1) of this Section. If the person fails or refuses to furnish the information, EGI shall provide to the Secretary a certification of such failure or refusal that sets forth the efforts made by EGI to obtain the information.

8.1(3) Maintenance of Records.

Upon the Secretary's request, EGI shall retain any records in the manner, and containing the information, that the Secretary determines is necessary to ascertain whether EGI has complied or is complying with the HIPAA Privacy Standards.

8.1(4) Submission of Compliance Reports.

Upon the Secretary's request, EGI shall submit a compliance report to the Secretary in a reasonable time and manner, containing the information that the Secretary determines is

necessary to ascertain whether EGI has complied or is complying with the HIPAA Privacy Standards.

8.1(5) Documentation of Communications with the Secretary.

EGI shall document any written communications with the Secretary including compliance reports and certifications of failed efforts to obtain EGI records from another entity. Such documentation shall be retained in accordance with Section 9.2 of this Manual.

REFERENCES/CITATIONS

45 C.F.R. § 160.310

65 Fed. Reg. at 82,487, 82,602-05 (Dec. 28, 2000)