I. Electronic Transactions

Has Harvard Pilgrim submitted documentation to the Department of Health and Human Services to obtain a compliance date extension?
Yes, Harvard Pilgrim has submitted a compliance plan to obtain an extension provided for by the Administrative Simplification Compliance Act (ASCA).

What are your standardization plans?
Harvard Pilgrim currently has the ability to accept many electronic transactions including enrollment/disenrollment (834).

Is a copy of Harvard Pilgrim’s ASCA filing available?
Yes, we will provide you a copy of our filing on request.

Will Harvard Pilgrim test the standard Transactions and Code Sets (TCS) by 4/16/03 as required by HIPAA?
Yes, Harvard Pilgrim has already tested most of the transaction sets with the exception of the premium billing transaction (820).

II. Privacy

Will Harvard Pilgrim be compliant with the HIPAA Privacy Rule by April 14, 2003?
Yes, Harvard Pilgrim will be compliant with the provisions of the HIPAA Privacy Rule by April 14, 2003. We are in the process of implementing a comprehensive project plan to support HIPAA Privacy Rule compliance that includes:
- Designating a Privacy Officer
- Executing written contracts (meeting the content requirements of the regulation) with each “business associate” of the Health Plan
- Establishing processes to provide members with access to their protected health information (PHI), including an accounting of non-routine disclosures and the right to amend that information
- Developing policies and procedures to obtain authorizations from members (as required)
- Developing a training curriculum to train all employees on privacy policies/procedures
- Evaluating our current complaint policy for compliance with HIPAA requirements
- Reviewing our disciplinary action and sanction policy for Health Plan employees who violate the privacy rules

Has Harvard Pilgrim performed a gap analysis?
Harvard Pilgrim conducted a comprehensive assessment and gap analysis in June 2002. Results of this assessment were used to develop Harvard Pilgrim’s Privacy Rule implementation plan.

What operational changes will Harvard Pilgrim customers see going forward?
Harvard Pilgrim customers should anticipate some minor operational changes. At the moment, Harvard Pilgrim anticipates two such changes:

1. If a Harvard Pilgrim employee is unfamiliar with the Employer representative who calls Harvard Pilgrim for administrative assistance, a verification process may be instituted to confirm that the caller is an appropriate representative of the Employer, prior to disclosing any information.

2. Harvard Pilgrim may require a written or verbal member authorization prior to discussing non-enrollment related member issues, such as claims issues, with an Employer representative.

Continued ➤
What is a Notice of Privacy Practices?
A Notice of Privacy Practices is a document that informs an individual of the uses and disclosures of protected health information that may be made by a covered entity, and of the individual’s rights and the covered entity’s legal duties with respect to PHI. HIPAA requires covered entities to develop these documents and distribute them to individuals enrolled in group health plans and/or to individuals with direct treatment relationships with health care providers. Some exceptions do apply and as such, the Rule should be consulted to determine exact requirements for your situation.

Has Harvard Pilgrim taken the position that the distribution of the Notice of Privacy Practices to self-insured members is the responsibility of the Group Health Plan?
We recognize the responsibility of the self-insured Group Health Plan to distribute a Notice of Privacy Practice to its employees under HIPAA regulations. We also recognize that in order to administer the Group Health Plan, Harvard Pilgrim handles large amounts of Protected Health Information (PHI) for our enrolled members. We strongly encourage our customers to allow us to distribute our Notice of Privacy Practices as well so that we may communicate our policies and procedures to your employees who have selected Harvard Pilgrim as their health plan.

What will be provided to a plan participant who contacts member services to formally inquire about your privacy practices?
Harvard Pilgrim will provide our Notice of Privacy Practices to any member on request.

Will Harvard Pilgrim disclose health information beyond “summary health information” to self-insured plan sponsor personnel for purposes of plan administration?
Yes, Harvard Pilgrim will provide health information beyond summary health information to self-insured plan sponsors, but only with the appropriate documentation of HIPAA compliance from an employer group.

Does Harvard Pilgrim have entity authentication capability? For example, when an individual contacts your organization to access PHI or for an accounting of disclosures, either via phone or in writing, how do you authenticate the request?
Harvard Pilgrim will have policies and procedures in place to verify the identity of all persons requesting PHI. Telephonically, we plan to ask a series of questions to identify the caller; for other requests, such as designation of a personal representative or requests to access or amend PHI, we will require submission of a written request prior to fulfilling the request.

Describe Harvard Pilgrim’s HIPAA privacy training plans.
Harvard Pilgrim plans to conduct general HIPAA training for our entire workforce during the first quarter of 2003. Additional levels of training will be provided to staff dependent on the job function, i.e., those high impact areas such as member services, medical management and account services will also receive detailed policy and procedure training.

Does Harvard Pilgrim have policies for HIPAA-required items such as appeals, breaches, etc? Are your existing policies being amended as required by HIPAA?
Harvard Pilgrim already has a strict confidentiality policy and comprehensive complaint and appeal policies in place. We are in the process of evaluating these policies; amendments will be made if necessary to comply with HIPAA requirements.

What is your policy as it relates to violations of your privacy practices by employees? What punitive actions are taken?
Annually, each employee is required to attest that Harvard Pilgrim’s corporate confidentiality policy has been reviewed. The policy describes sanctions and disciplinary action(s) possible (including termination) as a result of breaches of privacy and confidentiality.

Has Harvard Pilgrim appointed a Privacy Officer?
Harvard Pilgrim has appointed our Vice President, Corporate Compliance Programs, John J. Burke, as our Privacy Officer.

What is a Business Associate Agreement?
A business associate agreement is a contract between a covered entity and a third party that is performing a function, service or activity on behalf of the covered entity, and who has access to protected health information while performing the function, service or activity. The business associate agreement outlines in detail the steps the business associate will take to safeguard PHI.
Will Harvard Pilgrim be entering into Business Associate Agreements?
Harvard Pilgrim will be asking entities performing a service on our behalf and accessing PHI, such as consultants, accountants, pharmacy benefit managers, etc., to sign Business Associate Agreements (BAA). We also fully expect to sign a BAA with our self-insured customers for which we serve as a Third Party Administrator (TPA).

How do you monitor state laws that are stricter than HIPAA?
Harvard Pilgrim’s legal department is very involved in the Privacy Rule implementation. Responsibilities of this department include conducting a state law preemption analysis.

III. Security

Has Harvard Pilgrim appointed a Security Officer?
Yes, Harvard Pilgrim has appointed Ken Patterson as our Information Security Officer. The Information Security Officer is responsible for developing policies and procedures to support technical security as well as to work with our facilities manager to develop and support physical security policies.

Does Harvard Pilgrim have documented physical security processes and procedures?
Yes, Harvard Pilgrim has a Facility Security Plan as well as established policies and procedures for transmitting and receiving PHI via fax, Internet and email. We also have comprehensive visitor/sign in, document destruction and record retention and storage policies. These policies are currently being reviewed for compliance with HIPAA requirements.

IV. More Information

Where can I get answers to my general HIPAA questions?
There are many sources of information available that give detailed information about HIPAA. Some of these sources include:

Centers for Medicare and Medicaid Services (CMS)

HIPAA Hotline: 1-866-282-0659
(Monday-Friday 9am-6pm)
www.cms.hhs.gov/hipaa

Office of Civil Rights:
Hotline phone number: 1-866-627-7748
www.hhs.gov/ocr/hipaa

Massachusetts Health Data Consortium (MHDC):
www.mahealthdata.org

If I have questions specific to Harvard Pilgrim’s plans for HIPAA implementation, whom should I contact?
For more information on Harvard Pilgrim’s HIPAA implementation plans, please contact your Account Manager or visit our Web site for employers and brokers at www.harvardpilgrim.org.