



Broker Briefing

Small Group Business (2 – 50 Lives)*

*1-50 where required by state law

Aetna Small Group – May 19, 2003

New Regulations on HIPAA (Privacy Rules) Requirements

Aetna Small Group wants to help producers understand some of the privacy regulations recently issued by the Department of Health and Human Services ("HHS") concerning the Health Insurance Portability and Accountability Act of 1996 Privacy Rules requirements, and how these regulations may affect your interactions with us. These regulations (45 C.F.R. Parts 160-64) can be found online at <http://aspe.hhs.gov/admsimp/final/PvcTxt01.htm>. (If a direct link is not available, please type this address into your browser.)

Protected Information under HIPAA:

Protected Health Information under the HIPAA privacy rules (PHI) includes individually identifiable health information, relating to a past, present or future physical or mental health condition of an individual; or past, present or future payment for the provision of health care to an individual.

Notice of Privacy Practices:

One of Aetna's obligations under the Act is to notify fully-insured health plan members of our privacy practices. During the first quarter of 2003, we distributed a Notice of Privacy Practices to all subscribers who were enrolled in an insured Aetna medical (including dental, managed behavioral health and vision), dental-only, and long-term care benefits plan as of January 1, 2003. For more specific details about Aetna's Notice of Privacy Practices, visit www.aetna.com/about/information_practices.html. Aetna members can receive an additional copy of Aetna's Notice of Privacy Practices by contacting us directly at the toll-free number on their ID cards or by visiting our website at www.aetna.com. **Note:** this notice was sent to members, not to plan sponsors (employers). Plan sponsors may view the Notice of Privacy Practices at www.aetna.com/about/information_practices.html.

Requests for Information:

Aetna classifies the information that may be released to a broker calling on a member's behalf, into two categories: **Level I and Level II Information**. The two categories are based on the sensitivity of the information and the level of detail that the requestor is authorized to receive.

Level I Information: Basic eligibility, benefits, claim status (pending, paid, rejected), information pertaining to a member's health benefits, confirmation of receipt (or non-receipt) of a claim, provider name and address, amount paid, date paid, member liability, reason for denial and description of information necessary for reconsideration (excluding any information that would reveal a member's diagnosis or specific treatment). Any person requesting Level I member health information from Aetna must be able to provide Member Identity Information (MII) of the member whose health information is requested. For HMO products, MII consists of the member's name, ID number (or Social Security Number) and date of birth (DOB). For new HMO members who have yet to receive their ID cards, the requestor can provide the subscriber's address or home phone number in lieu of the member's ID number. For PPO-based or traditional products, MII consists of name, subscriber's/employee's ID number (which may be the individual's Social Security Number) and DOB of the member for whom information is requested.

Level II Information: Sensitive and highly confidential information. Examples include diagnostic data, treatment information and information related to behavioral health or sexually transmitted disease services, including diagnosis and treatment. Level II information may be released to the member or someone other than the member if that requestor provides: (i) documentation proving that he/she is acting on behalf of the member or (ii) a third party authorization from the member for whom the request is made. Please use the third party authorization form attached to this e-mail and send it to the following address: Aetna Law Document Center, 575 Pigeon Hill Road, W101, Windsor, CT 06095 - Attention: Aetna Law Document Center, Fax: (860) 952-8662

Note: Aetna will not share PHI with fully-insured plan sponsors without a third party authorization from the member, unless otherwise permitted by law. We have stringent guidelines in place to handle any requests for an exception to this rule.

Because brokers have a need to communicate quickly and efficiently with Aetna, **we will continue to allow PHI to be transmitted by the following means:**

- **E-mail – Level I information** can be transmitted via unencrypted Internet e-mail. Aetna will continue to communicate Level I health member-specific information in this manner. We will not include member's SSN in an unencrypted e-mail. **Level II information** is considered to be particularly sensitive information. Aetna's policy is to use "encryption" to transmit Level II information to anyone outside Aetna's computer network. ("Encryption" refers to several technologies that code information so that only the intended recipient can read it). **Note:** If it is not feasible to encrypt an e-mail message containing particularly sensitive member-specific health information, please send it via **fax, telephone, U.S. Postal Service, or overnight or 2nd day courier.**
- **Fax** - Fax transmissions from a secure fax location are considered acceptable, therefore, **Level I and Level II information** may be faxed to Aetna Small Group secure fax locations. This includes the information contained on the employee application or Individual Health Questionnaire (form will vary by state). The fax must contain the below confidentiality and proprietary disclaimer:

This message is intended only for the use of the individual or entity to whom it is addressed, and may contain information that is PROPRIETARY and CONFIDENTIAL. If you are not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the above named sender at the above telephone number.

Member Rights in Relation to PHI:

The HIPAA Privacy Rules give individuals five rights in relation to their PHI:

- **Notice of Privacy Practices:** mentioned above;
- **Further restrictions of use and disclosure:** further described in the notice of privacy practice;
- **Access:** Members have the right to request access to their PHI. ***Impact on Brokers:*** If an individual requests access to PHI directly from a broker, the broker shall immediately refer him/her to Aetna.
- **Amendment:** Members have the right to request that Aetna amends their PHI.
- **Accounting:** Members have the right to request the accounting of all the disclosures of their PHI that were done outside of the scope of payment, treatment or health care operations. This is mainly the disclosure to regulatory authorities and law enforcement (including subpoenas from judges). ***Impact on Brokers:*** In cases where brokers need to disclose a member's PHI to a federal, state agency or a court of any kind, the broker will have to account for that disclosure, since the member has the right to request an accounting of such disclosure at any time during six years from the day of the disclosure.

Business Associates:

The HIPAA Privacy Rules provide, among other things, that Aetna is permitted to disclose protected health information to a business associate (broker) and allow the business associate to obtain and receive protected health information, if Aetna obtains satisfactory assurances in writing that the business associate will appropriately safeguard the protected health information. In order to comply with this regulation, we made the decision to include the language required by law into our Agency Agreement. If you haven't returned the signed agreement to us, please do so as soon as possible. You may access our agreement at:

http://www.aetna.com/producer/smallgroup_aakit.html.

Finally, we strongly encourage you to read the FAQs attached to this e-mail.

You may contact Aetna's dedicated Small Group Sales Support Center for more information on these regulations and how they affect your interaction with Aetna. To find the number for the Sales Support Center for your region, access the following link: www.aetna.com/producer/contactsmall.html. Or, you can call your local Aetna Sales Manager or General Agent.

"Aetna" is the brand name used for products and services provided by one or more of the Aetna group subsidiary companies, including Aetna Life Insurance Company. Please note: In Michigan, this briefing is directed to our valued brokers.

This e-mail may contain confidential or privileged information. If you think you have received this e-mail in error, please advise the sender by reply e-mail and then delete this e-mail immediately. Thank you. Aetna.