

Important Information Regarding HIPAA Requirements and Allowed Activities

We understand that the Health Insurance Portability and Accountability Act (HIPAA) may create some questions about appropriate access to protected health information (PHI). Therefore, we are providing information to clarify the access that Passport Health Plan (PHP) has under HIPAA. The HIPAA Privacy Rule, effective April 14, 2003, permits a health plan, such as PHP, to request health care information about its members for purposes of treatment, payment and/or health plan operations (TPO) without the member's consent/authorization and without a Business Associate Agreement between PHP and the provider. This includes access to a member's medical records when necessary and appropriate. HIPAA permits such use by health plans in order to promote ready access to treatment and efficient payment for health care services.

The HIPAA Privacy Rule allows a Covered Entity access to member records for purposes of TPO, which include, but are not limited to, the following:

- "Treatment" includes the provision, coordination, management, consultation, and referral of a member between and among health care providers.
- "Payment" includes review of various activities of health care providers for payment or reimbursement; to fulfill the health plans' coverage responsibilities and provide appropriate benefits; and to obtain or provide reimbursement for health care services delivered to its members. Activities that fall within this category include, but are not limited to, determination of member eligibility, reviewing health care services for medical necessity, and utilization review.
- "Operations" includes certain quality improvement activities such as case management and care coordination, quality of care reviews in response to member or state/federal queries, and prompt response to member complaints/grievance; site visits as part of credentialing and re-credentialing; administrative and financial operations such as conducting Health Plan Employer Data and Information Set (HEDIS) set reviews, and member services activities; and legal activities such as audit programs, including fraud and abuse detection, and to assess conformance with compliance programs.

We hope this information will prove helpful to you and enable PHP and your practice to continue to conduct our joint business activities without unnecessary delay or interruption.

If you should have questions, please feel free to call Passport Health Plan's Privacy Officer at Passport Health Plan (502) 585-7925 or your Provider Relations Representative.