

# HIPAA MEDICAL PRIVACY AND SECURITY COMPLIANCE

## EMPLOYEE BENEFITS

The HIPAA medical privacy and security rules apply to “covered entities,” a term that includes “group health plans” (e.g., medical, dental, vision, health FSAs, HRAs, etc.). The rules define who is authorized to have access to “protected health information” (PHI) created or maintained by group health plans, for what purposes, and how privacy protections must be implemented. HIPAA also provides individuals with rights with respect to their own PHI.

Although employers are not “covered entities” (unless they are in a healthcare field, e.g., a doctor’s office), employers with group health plans have significant compliance obligations because of the role they often play as the plan sponsor of a group health plan. More specifically, if an employer sees PHI related to a group health plan (and all self-funded plans, such as health FSAs, are deemed to see PHI), then there are several “hoops and hurdles” that an employer has to jump through in order to be compliant with HIPAA. The employer must:

- Have written policies and procedures in place
- Provide HIPAA training to employees who can access PHI
- Commit to HIPAA compliance in writing in the group health plan document
- Set up safeguards to protect PHI
- Enter into business associate agreements

### SERVICES PROVIDED BY HINKLE LAW FIRM LLC

The attorneys at Hinkle Law Firm LLC have extensive knowledge of the HIPAA privacy and security rules. In addition to using our expertise to provide guidance, we can prepare written policies and procedures and train the appropriate company individuals on them. We can also prepare plan documents containing the required HIPAA privacy certification as well as review and/or prepare business associate agreements.



At Hinkle Law Firm, our experience gives you the power to do good business with your eyes open. With Hinkle, there’s no reason to look anywhere but forward.

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