



Amherst College Group Health Insurance Plan Health Insurance Privacy and Accountability Act (HIPAA) Privacy Regulations

This notice addresses the compliance obligations of the Amherst College Group Health Insurance Plan (“Plan”) under the Health Insurance Privacy and Accountability Act of 1996 (“HIPAA”) Privacy Regulations. The Privacy Regulations address the responsibilities of health plans with respect to protecting the privacy of their participants’ health information. Those of us involved in the administration of the Plan for Amherst College employees understand and respect the importance of maintaining the privacy of your health information. Therefore, we have taken steps to ensure that we are in compliance with the requirements of the Privacy Regulations.

The Plan is a fully-insured group health plan. That means that the Plan offers health benefits to Amherst College employees solely through insurance contracts with health insurance issuers or HMOs, PPOs or POSs. As such, the Plan receives very little health information about its plan participants. In fact, the Plan, and Amherst College as plan sponsor, maintains only enrollment and disenrollment information, and uses summary information relating to claims of all Plan participants as a group, exclusive of names and social security numbers, when seeking bids for new or renewals of insurer contracts. We have communicated with our insurers to indicate that we do not wish to receive any more than this minimal information about our participants.

In accordance with the HIPAA Privacy Regulations, 42 CFR §§ 164.504(f), 164.520(a), 164.530(k), fully insured group health plans such as ours, which have access to minimal health information, have limited obligations under the Privacy Regulations. For example, we are not required to develop or disseminate a Notice of Privacy Practices (but you should have received one from your HMO), nor are we required to develop policies and procedures or to provide staff training. The risk of misuse and improper disclosure of health information is minimized when a group health plan receives and maintains only limited health information.

Our obligations under the Privacy Regulations are summarized below:

- The Plan (or a health insurance issuer or HMO with respect to the Plan) may disclose to Amherst College, as the employer, summary health information, meaning information summarizing claims history, claims expenses, and types of claims of our participants but from which most identifying information has been deleted, but only if Amherst College requests the summary health information for the purpose of:
 - obtaining premium bids from health plans for providing health insurance coverage under the Plan; or
 - modifying, amending or terminating the Plan.

- The Plan (or a health insurance issuer or HMO with respect to the Plan) may disclose to Amherst College information on whether any individual employee of Amherst College or his or her dependents or spouse are participating in the Plan or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the Plan.
- The Plan must refrain from intimidating or retaliatory acts if a participant wishes to assert his or her rights or to file a complaint with the Secretary of Health and Human Services concerning the Plan.
- The Plan may not require a participant to waive his or her individual rights under HIPAA as a condition of treatment, payment, or involvement or eligibility for benefits in the Plan
- The Plan must develop in writing an amendment to its plan documents if it ever determines that it needs more of its participants' protected health information from insurers, and if such information must be disclosed to Amherst College, in no case can such information be disclosed for employment-related actions and decisions.

In addition, Benefits Administrator has agreed to serve as the Privacy Officer for the Plan, even though this is not required under the Privacy Regulations for a fully insured group health plan. In the event that you have any questions relating to the privacy of your health information as it involves the Plan, or Amherst College as the plan sponsor, please feel free to contact the Benefits Administrator.