



NOTICE OF AMENDMENT

to the New York State Health Insurance Program
General Information Book and Empire Plan Certificate
for

Enrollees in the Empire Plan through New York State, Participating Employers and Participating Agencies and their enrolled dependents and COBRA enrollees with their benefits

Effective April 14, 2003

The Use and Disclosure of Protected Health Information

The New York State Health Insurance Program (NYSHIP) provides health insurance benefits through the Empire Plan. The NYSHIP Empire Plan (“the Plan”) is a “group health plan” as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The NYSHIP Empire Plan’s Plan Sponsor is the Health Insurance Council (“Plan Sponsor”). On behalf of New York State and other employers that enroll their employees in the NYSHIP Empire Plan for health insurance benefits, the Health Insurance Council carries out its Plan Sponsor responsibilities through select staff of the New York State Department of Civil Service, the New York State Division of the Budget, and the Governor’s Office of Employee Relations. Wherever the Health Insurance Council is referred to in this document, the term is meant to include those select staff of those agencies.

Under the federal privacy regulations enacted pursuant to HIPAA, health plans such as the Empire Plan are required to protect the confidentiality of your Protected Health Information (PHI). Protected Health Information is individually identifiable health information related to your physical or mental health or condition, health care services provided to you, or payments made for your care, which is created or received by a health plan, a health care clearinghouse, or a health care provider that electronically transmits such information.

The Empire Plan and the Health Insurance Council will not use or disclose PHI except for treatment, payment, health care operations, as permitted or required by other state or federal law, or to business associates to help administer the Empire Plan. These permissible uses and disclosures shall be for the following purposes:

- Determination of eligibility, coverage, and cost sharing amounts such as the cost of a benefit, plan maximums, co-payments, subrogation of claims, and establishing participants’ contributions;
- To collect premiums or determine or fulfill the Plan’s responsibility for premium payments to insurers;
- Billing, collection activities and related health care data processing; disclosure to consumer reporting agencies related to the collection of premiums or reimbursement;
- Quality assessment and improvement activities;
- Population-based activities relating to improving Empire Plan services or reducing Empire Plan costs, such as protocol development and disease management programs;
- Claims management and related health care data processing, including auditing payments, investigating and resolving payment disputes, and responding to participant inquiries about payments;
- Premium rating and other activities related to the creation, renewal or replacement of a contract of health insurance or health benefits;
- To conduct or arrange for legal services, banking services, benefits consulting services, auditing services, medical review, and the investigation of fraud and abuse cases;
- Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the Empire Plan, including the development or improvement of payment methods or coverage policies;
- Business management and general administrative activities of the Empire Plan, including but not limited to management activities related to ensuring HIPAA compliance; customer service; the disclosure of enrollment information to local plan sponsors; disclosure of summary health information to local plan sponsors for the purpose of obtaining premium bids for the provision of health insurance coverage under the local plan and/or for modifying, amending, or terminating the local plan; data analysis for participants and local plan sponsors; the resolution of internal grievances; auditing contractual performance standards; and
- To comply with other legal requirements as described in the Empire Plan’s Notice of Privacy Practices.

Further, the Empire Plan and the Health Insurance Council will take reasonable steps to ensure that any use or disclosure is the minimum necessary to accomplish the task.

The NYSHIP Empire Plan and the Health Insurance Council are separate and independent legal entities that exchange information to coordinate your Empire Plan coverage. In order to receive PHI from the Empire Plan and the health insurance issuers that insure the Empire Plan, the Health Insurance Council agrees to, and has certified to the Empire Plan that it will:

- Not use or further disclose PHI other than as permitted or required by the Empire Plan’s Plan Documents or as required by law;

- Ensure that any subcontractors or agents to whom it provides PHI received from the Empire Plan or from the health insurance issuers that insure the Empire Plan agree to the same restrictions and conditions that apply to the Health Insurance Council with respect to such information;
- Not use or disclose PHI for employment-related actions and decisions;
- Not use or disclose PHI in connection with any other benefit or employee benefit plan unless authorized by an individual;
- Notify the Empire Plan and the health insurance issuers that insure the Empire Plan of any improper use or disclosure of PHI of which it becomes aware;
- Make PHI available to an individual based on HIPAA's access requirements;
- Make PHI available for amendment and incorporate any changes to PHI based on HIPAA's amendment requirements;
- Make available the information required to provide an individual with an accounting of disclosures of PHI;
- Make its internal practices, books and records relating to the use and disclosure of PHI received from the Empire Plan and the health insurance issuers that insure the Empire Plan available to the Secretary of the U.S. Department of Health and Human Services to determine the Empire Plan's compliance with HIPAA;
- Ensure adequate separation between the Empire Plan and the Health Insurance Council as required by HIPAA; and
- If feasible, return or destroy all PHI received from the Empire Plan and the health insurance issuers that insure the Empire Plan that the Health Insurance Council still maintains in any form and retain no copies of such PHI when no longer needed for the specified disclosure purpose. If return or destruction is not feasible, the Health Insurance Council will limit uses and disclosures to those purposes that make the return or destruction infeasible.

Only the following classes of employees under the control of the Health Insurance Council may be given access to PHI:

New York State Department of Civil Service

Staff of the Employee Benefits Division, Information Resource Management Division, Counsel's Office, Internal Audit, the Public Information Office, and the Executive Office

New York State Governor's Office of Employee Relations

Staff of the Employee Benefit Management Unit

New York State Division of the Budget

None

These employees may only have access to, and use and disclose, PHI for purposes of the plan administrative functions described in this Plan Document that the Health Insurance Council performs for the NYSHIP Empire Plan.

If you believe your rights under HIPAA have been violated, you have the right to file a complaint with the NYSHIP Empire Plan or with the Secretary of the U.S. Department of Health and Human Services. The Health Insurance Council has provided a mechanism for resolving issues of noncompliance by employees who have access to PHI.

To get information about how to file a complaint with the NYSHIP Empire Plan, call the Employee Benefits Division at (518) 457-5754 (Albany area) or 1-800-833-4344 (U.S., Canada, Puerto Rico, Virgin Islands) or visit our website at www.cs.state.ny.us.

The Health Insurance Council also will take steps to mitigate any known harmful effect of a use or disclosure of PHI in violation of HIPAA requirements, and will take reasonable steps to correct such errors and lessen their impact. This will include determining where or how the information was disclosed, how it may be used to cause harm, and what steps can be taken to lessen those effects.

All other terms, provisions and conditions shown in your NYSHIP General Information Book and Empire Plan Certificate will continue to apply.

EP Disclosure Amendment 4/03

Keep this Amendment with your NYSHIP General Information Book/Empire Plan Certificate.

State of New York
 Department of Civil Service
 Employee Benefits Division
 The State Campus
 Albany, New York 12239
www.cs.state.ny.us

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