

PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

The Board of Education provides coverage to eligible employees self-funded insured group health plans. The Board has established the following self-funded group health plans:

- A. Medical Plan
- B. Prescription Drug Plan
- C. Dental Plan
- D. Vision Plan
- E. Long-term Care Plan (not long-term disability)
- F. Health Flexible Spending Accounts (FSA)
- G. Employee Assistance Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Assistant Superintendent of Human Resources to serve as the Privacy Official of the group health plans. The Board delegates authority to the Privacy Official to develop and implement the internal policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. In the event that the HIPAA Privacy Rule is subsequently amended, the Privacy Official is authorized to make necessary amendments to the internal policies and procedures.

The Board also acknowledges that the HIPAA Security Rule requires the group health plans to implement various security measures with respect to electronic protected health information. The Board hereby appoints the ~~Assistant Superintendent of Human Resources~~ Director of Technology to serve as the Security Official of the group health plans.

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The Board delegates authority to the Security Official to develop and implement internal policies and procedures for the group health plan(s) relating to the security

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of electronic protected health information, if applicable. In the event that the HIPAA Security Rule is subsequently amended, the Security Official is authorized to make necessary amendments to the internal policies and procedures.

The Privacy Official shall develop administrative guidelines necessary to implement this policy.

The Board reserves the right to revoke any or all delegations set forth in this policy at any time for any reason.

Since the Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties (CMP) for violations of the HIPAA Privacy Rule and the HIPAA Security Rule, the Board agrees to indemnify and hold harmless the Privacy Official and the Security Official for any CMP imposed upon the Privacy Official and the Security Official with the performance of his/her duties for the group health plans. Notwithstanding the foregoing language, the Board shall not indemnify the Privacy Official and/or the Security Official in the event the CMP was imposed as the result of intentional misconduct or gross negligence by the Privacy Official and/or the Security Official.

The Board reserves the right to revoke any or all delegations set forth in this policy at any time for any reason.

*42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. part 1635*

Adopted 3/14/2011

Revised 5/23/2016

To Policy 2/27/2017

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To Board 2nd Reading 4/10/2017

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