

## **Privacy of Participant Health Information**

These provisions are intended to satisfy the plan document requirements of regulations issued by the Department of Health and Human Services (“HHS”) under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). These provisions are intended to regulate the manner by which the United Furniture Workers Insurance Fund and its officers, employees and agents, BlueCross BlueShield of Tennessee (“BCBST”) and Employee Health Systems (“EHS”), as its claims administrators, and BCBST/Caremark, as its pharmacy benefits manager, utilize and store individually identifiable health information (“Protected Health Information” or “PHI”) as defined in HIPAA.

### **Use and Disclosure of PHI:**

The Fund, BCBST and EHS will use and disclose PHI as reasonably appropriate and necessary to administer the Insurance Fund’s Plan. The Fund, BCBST and EHS may use PHI for any purpose permitted by the HIPAA regulations, including but not limited to: (1) obtaining bids or proposals from insurers, HMOs, third-party payers, or other entities that may provide services related to administering the Fund; (2) performing plan enrollment and disenrollment activities; and (3) conducting wellness programs case management, utilization review, customer service, customer satisfaction, (4) adjusting claims, (5) coordinating benefits, (6) making disability determinations or (7) performing any other administrative function in connection with the Insurance Fund’s operations.

The Fund, BCBST and EHS will comply with any law requiring it to disclose PHI, including but not limited to a subpoena, court or administrative agency warrant or order, a discovery request in a civil proceeding, a summons issued by a court, grand jury, inspector or administrative body that can require production of information, and any requirement of a federal, state or local public health authority. Disclosures may be made to report certain injuries or illnesses to public authorities, to a health oversight agency for an audit, investigation, inspection, license or disciplinary action, and to a law enforcement official.

Further disclosures of PHI are limited to those for which the Fund, BCBST and EHS obtain reasonable assurances that the PHI will be held confidentially and that any breaches of such confidentiality will be reported immediately to the Fund.

**Restrictions Regarding PHI:** The Fund will not use or disclose PHI that it receives for employment-related actions or for a decision in connection with any other benefit or plan established by the Insurance Fund for the benefit of its employees.

**Safeguards:** The Fund, BCBST and EHS will implement appropriate safeguards to prevent the unauthorized use or disclosure of PHI.

Accounting of Uses or Disclosures: The Fund, BCBST and EHS shall notify the Trustees immediately upon discovery of any unauthorized disclosure of PHI, and will provide the following information with respect to such disclosure:

The date of the disclosure;

The name and, if known, the address of the recipient of the PHI;

A copy of the request for disclosure, accompanied by any necessary consents or authorizations;

A brief description of the PHI disclosed; and

A statement that would reasonably inform the plan of the purpose of the disclosure.

Disclosures to Workforce and/or Third Parties: All Fund personnel with access to PHI and other service providers shall adhere to the restrictions and conditions regarding PHI contained herein.

Disclosures to workforce: PHI shall not be disclosed to any member of the Fund workforce unless such member is advised of his/her obligation to maintain the privacy of that information and the consequences for violation of these obligations. The individuals of the Fund who will have access to PHI to be disclosed will be the designated Privacy Officer, Director, Claims Supervisor, Assistant Claims Supervisors, Claims Examiners, Clerical Employees, Claims Auditor and the Complaint Officer. The access such persons shall have to PHI and the only use by such persons of PHI shall be for administrative activities performed by the Fund. If any such person uses or discloses PHI in any way which conflicts with the uses described herein or permitted by law, such person shall be subject to disciplinary action up to and including discharge.

Disclosures outside the workforce: The Fund officers and staff shall not disclose PHI to any other person or entity without the written approval of the Fund, except as provided in (b) above.

All Disclosures: Any use or disclosures of PHI will be limited to the minimum necessary to achieve the purpose for the use or disclosure. The Fund shall adopt policies and procedures to respond to requests for PHI, both routine and non-routine, that comply with applicable regulations under HIPAA.

Access to Records by the Subject of the Records: The Fund may create and maintain records of individual medical plan enrollment, disenrollment, claims processing, subrogation, benefits coordination, disability determinations and payment. Such enrollment and other information may be considered PHI under HIPAA. The Fund will make the information available to such individual or the individual's legal representative for review in accordance with HIPAA and applicable regulations. If the individual requests amendment of PHI, and if such request is approved, the Fund will effect such amendments to the individual's PHI.

Government Access to Records: The Fund will make available its policies, books and records relating to the use and disclosure of PHI to HHS for the purpose of determining whether the Fund is in compliance with HIPAA.