

# MBA privacy practices



**Myra  
Warren**

**T**he United States Letter Carriers Mutual Benefit Association (MBA) is a fraternal life and health insurance organization designed exclusively for letter carriers and their families. The MBA is a covered entity within the meaning of the Health Insurance Portability and Accountability Act of 1996, commonly known as HIPAA.

Under HIPAA, the MBA is legally required to provide all participants with notice of our legal duties and privacy practices with respect to protected health information (PHI). PHI includes any individually identifiable information that relates to a member's physical or mental health, the health care received or

payment for health care, including name, address, date of birth and Social Security number.

The notice of privacy practices describes how medical information about a member may be used and disclosed and how the member can get access to this information.

The MBA is considered a "hybrid entity" under HIPAA, because not all of the benefits offered by the MBA are covered by the privacy protections of HIPAA. The only plan offered by the MBA that is subject to HIPAA is the Hospital Plus plan.

The MBA is legally required to maintain the privacy of a member's PHI. The primary purpose of our privacy practices notice is to describe the legally permitted uses and disclosures of PHI, some of which may not apply to the MBA in practice. The notice also describes a member's right to access and control PHI. MBA's permitted usage and disclosures are explained below.

## Permitted uses and disclosures

**We use and may disclose a member's PHI in connection** with receiving treatment, our payment for such treatment, and for health care operations. Generally we will make every effort to disclose only the minimum necessary amount of PHI to achieve the purpose of the use or disclosure.

**Treatment**—means the provision, coordination or management of health care. While we do not provide treatment, we may use or disclose PHI to support the provision, coordination or management of care. For example, we may disclose PHI to an individual responsible for coordinating the member's health care, such as a spouse or adult child.

**Payment**—means activities in connection with processing claims for health care. We may need to use or disclose PHI to determine eligibility for coverage, for medical necessity and for utilization review activities. For example, we could disclose PHI to physicians engaged by the MBA for their medical expertise in order to help us determine eligibility for coverage.

We may disclose PHI to third parties who are known as "business associates" and perform various activities for us. In such circumstances, we will have a written contract with the business associate, which requires the business associate to protect the privacy of PHI.

We may also disclose PHI and dependents' PHI on explanation of benefits (EOB) forms and other payment-related correspondence that are sent to the member.

**Disclosure to trustees**—We may disclose PHI to trustees in connection with appeals that are filed following a partial payment or a denial of a benefit claim. In addition, any trustee may receive PHI if a member requests that the trustee assist in filing or perfecting a claim for benefits under the MBA's Health Plus plan. Trustees also may receive PHI if necessary for them to fulfill their fiduciary duties with respect to the MBA. Such disclosures will be the minimum necessary to achieve the purpose of the use or disclosure. The trustees must agree not to use or disclose PHI other than as permitted in this notice or as required by law, with respect to any employment-related actions or decisions, and not to use or disclose the PHI with respect to any other benefit plan maintained by the trustees.

We may disclose PHI to anyone authorized by a member. Contact the MBA to obtain a copy of the appropriate form to authorize the people who may receive this information.

**Personal representatives**—We may disclose your PHI to your personal representative in accordance with applicable state law or the HIPAA privacy rule. A personal representative is someone authorized by court order, power of attorney, or a parent of a child, in most cases. In addition, a personal representative can exercise your personal rights with respect to PHI.

**Requires by law**—We may use or disclose a member's PHI to the extent that we are required to do so by federal, state or local law. The member will be notified, if required by law, of any such uses or disclosures.

**To see the entire notice of privacy practices, please visit** [nalc.org](http://nalc.org). Under the "MBA Department," click on "Privacy Practice."