

Privacy practices



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In last month’s article we covered the information security procedures of the Mutual Benefit Association (MBA). This month’s article covers our privacy practices.

MBA is a covered entity within the meaning of the Health Insurance Portability and Accountability Act of 1996, commonly known as HIPAA. Under HIPAA, MBA is legally required to provide all participants with notice of our legal duties and privacy practices with respect to protected health information (PHI). MBA policy owners receive this information by mail each summer. The MBA is considered a “hybrid entity” because not all of the benefits offered by MBA are covered

by HIPAA privacy protections.

PHI includes any individually identifiable information that relates to a member’s physical or mental health, 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.

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 MBA in practice. The notice also describes a member’s right to access and control PHI.

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**—This 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**—This means activities in connection with processing claims for health care. We may need to use or disclose PHI to determine eligibility for coverage, medical necessity and for utilization review activities.

For example, we could disclose PHI to physicians engaged by the MBA for their medical expertise to help us determine eligibility for coverage.

We may disclose PHI to third parties who are known as “business associates” and who 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 also may disclose PHI and dependents’ PHI on explanation of benefits (EOB) forms and other payment-related correspondence, which are sent to the member.

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

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

We may disclose 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 is a parent of a child, in most cases. In addition, a personal representative can exercise your personal rights with respect to PHI.

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.

In addition to not disclosing PHI, MBA is bound not to disclose any personal private information about a member without the written consent of that member.

To see the entire notice of privacy practices, please visit nalc.org/mba and click on “Privacy policies” near the bottom of the page.

For information regarding any of the MBA products, please call the MBA office toll-free at 800-424-5184, Tuesdays and Thursdays, 8 a.m. to 3:30 p.m., or call 202-638-4318, Monday through Friday, 8 a.m. to 3:30 p.m. Eastern time. You can also visit our website at nalc.org/mba.