Health Plans are Covered Entities Too!

Best Practices for Compliance and Policy Integration
Happy Mardi Gras!
• Best Practice for health plan compliance
• Policy integration for providers
• New state laws such as CCPA
• HHS Request for Information
• New compliance challenges
  • AI and blockchain
  • Security threats
How are group health plans different?

- Fully-insured v. self-insured
  - Hands off approach
  - FSAs
  - Carrier data use agreements
- Notice of Privacy Practices and issues with model notice
- Compliance integration for providers and audit risk
- Vendor due diligence and BAAs, including data sharing within your organization
- Handling employee information
- Coordinating with the data privacy department
- Employee data privacy and breach laws
State Laws

- California Consumer Privacy Act of 2018
  - Subsequent clarification to law: HIPAA CEs exempt
  - PHI covered by HIPAA is excluded
  - Enforcement may begin 2021
  - Gives *private right of action*

- Other State Laws
  - California
  - Texas
  - All 50 states
HHS Request for Information

- Individual right to information re: TPO
- Notice of Privacy Practices safe harbor
- Interoperability
- Sharing PHI with non-HIPAA CEs
- The opioid crisis and mental health
Change is Coming

• New(ish) technology
  • Artificial intelligence
  • Blockchain
  • Wearable devices

• Security Considerations
  • APIs
  • Threats
    • Ransomware
    • Sophisticated phishing
    • Due diligence re: Business Associates
Final Questions?

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