

# **Fifth National HIPAA Summit**

## **A Case Study in Employer HIPAA Privacy Compliance Approaches**

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**November 1, 2002**

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- **Intel is “covered entity” under HIPAA regs by virtue of fact that it maintains a self-funded group health plan**
- **Cross-functional HIPAA privacy compliance team assembled in January 2002**
  - **Representatives from Benefits Design/Ops, Call Center, HRD, Occ Health, Gen. Acctg., HR Legal**
  - **Coordination with other corporate privacy initiatives (e.g., SSN)**
  - **Trained in basic “ins and outs” of HIPAA privacy**

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- **First task: Root out all uses or disclosures of “individually identifiable health information” in company**
  - Accomplished via comprehensive information inventory conducted by team
- **Aggregate inventory subjected to two tests for classification purposes:**
  - **“Protected Health Info.” vs. Non-PHI**
    - LOA, STD/LTD, and “de-identified” or “summary health” items fell out as non-PHI
  - **“Treatment, Payment, H/C Ops” vs. Non-TPO**
    - All PHI items at Intel were TPO, which is favored over non-TPO and thus has fewer restrictions

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- **Inventory turned up 10 unique uses and disclosures of PHI**
  - **Drafted compliant internal guidelines/procedures tailored to these uses and disclosures**
    - Applying “minimum necessary” and proper safeguards
    - Good news is that business disruption will be minimal since company already does fine job honoring privacy
- **Group health plan documents and supplier contracts revised as required**
  - **Amended plan documents to allow plan sponsor access to PHI (Sec. 164.504(f))**
  - **Implemented “business associate” (BA) agreements with outside suppliers**
    - Corp. Purchasing negotiated model HHS language into new/existing supplier contracts

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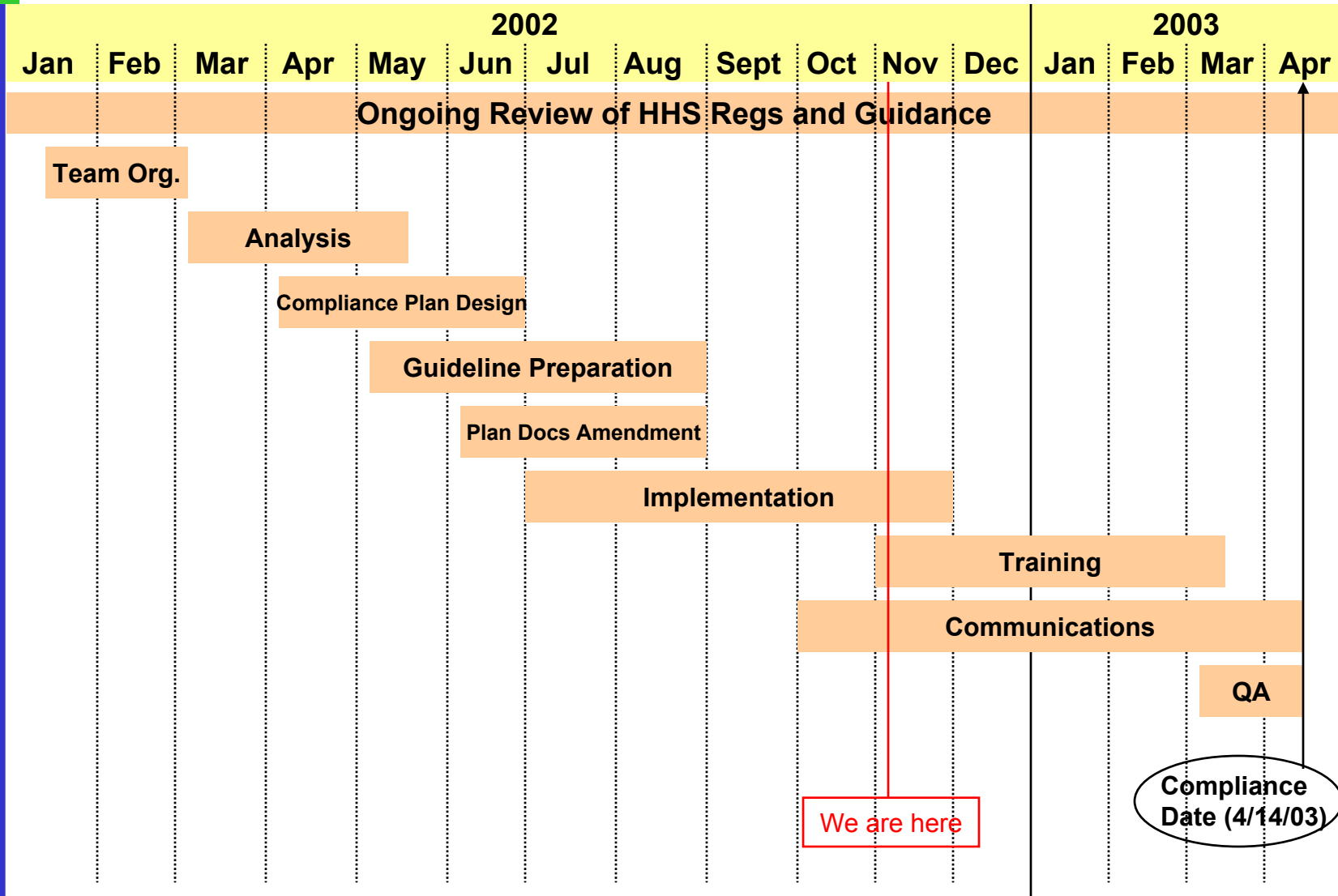
- **Key tasks remaining on roadway to compliance. . .**
  - **Designation of privacy official**
  - **Execution of training and communication plans**
    - Training for Benefits Ops, Call Center
    - Privacy notice distribution; revision of employee handbook (SPD), Call Center scripting
  - **Quality Assurance**
    - Final review of all relevant HHS regs/guidance against compliance processes leading up to 4/14/03

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- **Biggest challenges throughout project:**
  - Seizing upon ERISA preemption to shield company from any stronger state privacy regs
  - Possible independent CE status of Occ Health under “health care provider” definition in regs
  - Differentiating “consents” from “authorizations”
    - Final regs render former almost irrelevant
  - Understanding shifting concept of “marketing” so as not to get tangled in its grasp
    - Company wanted to ensure that popular disease management and wellness initiatives didn’t cross line

# HIPAA Privacy Compliance Project

## High Level Project Timeline



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