



Health Plans are Covered Entities Too!

Best Practices for Compliance and Policy Integration





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PRACTICE

Happy Mardi Gras!





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Agenda

- 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





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How are group health plans different?



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- 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



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- 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



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Change is Coming

- New(ish) technology
 - Artificial intelligence
 - Blockchain
 - Wearable devices
- Security Considerations
 - APIs
 - Threats
 - Ransomware
 - Sophisticated phishing
 - Due diligence re: Business Associates





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Final Questions?

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