

BECOMING CONFIDENT IN COMPLIANCE

Presentation for the AHA Metro Chicago Workplace Wellness Symposium

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AGENDA

- Topics to cover:
 - Employer Disclosures
 - Reasonable Design
 - Notice
 - Workplace Stress



Compliant & Confident!



The Vision



Employee Value Proposition EVP

How will the intervention...?

- Serve the employee?
- Add more than it will take away?
- Find, thrill and cultivate employee led influencers, like yourself?

EMPLOYER DISCLOSURES

CASE SCENARIO #1

- WellWays, a wellness vendor, contracts with an employer group health plan to administer wellness screenings of employees of ABC Company. To get paid for the screenings, WellWays submits electronic claims to the health plan, identifying the employee/patient screened, listing procedure codes, and other information typically found on an insurance claim. ABC Company asks WellWays for a list of all employee participants in the wellness screening so that it can contact nonparticipants to encourage them to sign up.
 - Can WellWays provide ABC the list?

HIPAA PRIVACY AND SECURITY

Applies to
Covered Entities



HIPAA PRIVACY AND SECURITY

Covered Entities:

Health Plans

Providers who conduct one or more of the HIPAA-defined transactions electronically

KEY: HIPAA does not apply to entities that don't engage in covered electronic transactions

Clearinghouses

HIPAA PRIVACY AND SECURITY

- Who are “Providers?”
 - Any person or organization who furnishes, bills, or is paid for health care in the normal course of business, AND
 - Who transmits any health information in electronic form in a “covered transaction” directly or through a business associate.

HIPAA PRIVACY AND SECURITY

- What is “health care?”
 - Care, services, or supplies related to the health of an individual, including:
 - Preventive
 - Diagnostic
 - Therapeutic
 - Maintenance
 - Counseling
 - Assessment
 - With respect to the physical or mental condition, functional status of an individual or that affects the structure or function of the body.

HIPAA PRIVACY AND SECURITY

- Covered Transactions
 - Claims for payment
 - Encounter information to report health care
 - Plan eligibility or coverage inquiries
 - Prior authorizations
 - Plan enrollment information
 - Premium payment processing
 - Coordination of benefit determinations

SUBJECT TO HIPAA – SO WHAT?

Covered Entities:

- HIPAA Privacy and Security Policies & Procedures
- HIPAA Privacy and Security Official
- Notice of Privacy Practices
- Patient Authorizations
- Business Associate Agreements
- Minimum Necessary Standards
- Breach Standards
- Plan Sponsor Disclosure Standards
- Marketing Standards

How will this Serve ?

- Communicate Awareness
 - Create Meaning-Motivation
 - Build Skills
 - Influence Opportunity
- 
- A close-up photograph of a purple flower with a yellow and black bee on its center. The background is a soft, out-of-focus green. The text is overlaid on the left side of the image.

Does it take away more than it gives?

*Do your employee's feel that WELLNESS is being done "TO THEM" or
"FOR AND WITH THEM"?*

Can you find,
thrill and
cultivate
employee-led
influencers?



CASE SCENARIO #2

- WellWays, a wellness vendor, contracts directly with an employer to administer wellness screenings of employees of ABC Company. To get paid for the screenings, WellWays submits aggregate data of how many employees participated in the screening. No individually identifiable information is provided. ABC Company asks WellWays for a list of all employee participants in the wellness screening so that it can contact nonparticipants to encourage them to sign up.
 - Can WellWays provide ABC the list?

ADA

- Carves out exception to general prohibition on taking employee “medical exams” for “voluntary” medical exams part of employee wellness program.



ADA

- In order to be considered “voluntary,” an employer may not retaliate against, interfere with, coerce, intimidate, or threaten employees in violation of Section 503 of the ADA, codified at 42 USC 12203. 81 Fed. Reg. at 31133 (May 17, 2016).
- That is, you cannot coerce an employee to participate in an employee health program or threaten to discipline an employee who does not participate. *Id.*