Instructions for Brokers and Consultants

As a covered entity under the HIPAA Privacy Regulations, Tufts Health Plan has policies and procedures regarding the uses and disclosures of protected health information (PHI).

In order for you to receive PHI to perform certain administrative functions on behalf of your clients, we require fully-insured and self-insured employer groups to provide written confirmation designating you as their agent or business associate. The following are some instructions on how to comply with these requirements.

Agent Documentation Form

In order for you to receive the following information, Tufts Health Plan will require an Agent Documentation Form from your client:

- Identified PHI for the purposes of enrollment and disenrollment (including reconciliation of premium bills)
- Deidentified summary health information for the purpose of obtaining premium bids or modifying, amending or terminating the group health plan

Action Steps: Each employer group must submit an Agent Documentation form to Tufts Health Plan designating you as its legal agent.

Business Associate Documentation Form

In order for you to receive PHI for plan administration purposes you will need to enter into a business associate contract (BAC), with each of your clients. PHI for plan administration includes any individually identifiable information for purposes other than enrollment/disenrollment. Some examples include:

- Member primary care physician (PCP) lists
- Funding reports
- Utilization reports

Action Steps: Contact your legal counsel or advisor to develop a business associate contract (BAC) with your clients. A sample BAC is available as an attachment to the regulations. After signing the BAC with you, each employer group must submit the Business Associate Documentation form to Tufts Health Plan designating you as the business associate of the group.

A Business Associate Documentation form entitles you to receive individually identifiable PHI for plan administration, in addition to PHI for enrollment/disenrollment and summary health information for obtaining premium bids, modifying, amending or terminating the group health plan. If Tufts Health Plan has received a Business Associate Documentation form from your client, <u>we do not require an Agent Documentation form as well.</u>

Please note, if a fully-insured client does not provide a copy of their certification of their compliance to Tufts Health Plan, the terms of your BAC with that client must include language prohibiting you from disclosing PHI received from Tufts Health Plan back to the client, as the plan sponsor.

If you have further questions, please contact your Tufts Health Plan account manager at the appropriate Tufts Health Plan Sales Office.

- (800) 208-8013 (Watertown, MA)
- (800) 208-9545 (Worcester, MA)
- (800) 455-2012 (Providence, RI)

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