

## HIPAA MEDICAL PRIVACY REGULATIONS APPLIED TO PARTICULAR PLANS

TYPE OF PLAN	SUBJECT TO PRIVACY RULES?	IS A NOTICE REQUIRED?	SUBJECT TO ADMINISTRATIVE REQUIREMENTS?
Fully insured health plan without employer involvement and employer receives no PHI from the plan other than summary information	Yes	Yes. The notice, however, should be provided by the insurer.	Yes. The insurer must meet the administrative requirements. The employer is not required to meet the administrative requirements.
Fully insured dental, vision or prescription drug benefits, without employer involvement and the employer receives no PHI from the plan other than summary information	Yes	Yes. The notice, however, should be provided by the insurer.	Yes. The insurer must meet the administrative requirements. The employer is not required to meet the administrative requirements.
Fully insured health plan where the employer creates or receives PHI from the plan	Yes	Yes. The notice should be provided by the insurer. Because the employer receives PHI, the employer must also maintain a notice of privacy policies and it must provide that notice <u>upon request</u>	Yes. Both the insurer and the employer must meet the administrative requirements.
Fully insured dental, vision or prescription drug benefits where the employer creates or receives PHI from the plan	Yes	Yes. The notice should be provided by the insurer. Because the employer receives PHI, the employer must also maintain a notice of privacy policies and it must provide that notice <u>upon request</u> .	Yes. Both the insurer and the employer must meet the administrative requirements.

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Self-insured health plan where the employer administers claims or appeals or is the designated administrator	Yes	Yes. The plan must provide a notice.	Yes. The plan must comply with the administrative requirements.
Self-insured health plan with an independent TPA fiduciary and no employer involvement	Yes	Yes. The plan must provide a notice.	Yes. The plan must comply with the administrative requirements
Self-administered health FSA plan with fewer than 50 participants	No	No	No
Health FSA plan with fewer than 50 participants administered by an outside administrator	Yes	Yes. The plan must provide a notice.	Yes. The plan must comply with the administrative requirements
Any health FSA plan with 50 participants or more	Yes	Yes. The plan must provide a notice.	Yes. The plan must comply with the administrative requirements
Self-insured dental, vision, or prescription drug plan where the employer administers claims or appeals or is the designated administrator	Yes	Yes. The plan must provide a notice.	Yes. The plan must comply with the administrative requirements
Self-insured dental or vision plan with an independent TPA fiduciary and no employer involvement	Yes	Yes. The plan must provide a notice.	Yes. The plan must comply with the administrative requirements

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Employee assistance program which provides or pays for counseling services	Yes	Yes. The plan must provide a notice.	Yes. The plan must comply with the administrative requirements
Employee assistance programs that provide referrals only and do not provide or pay for counseling services	No	No	No
Group short term or long term disability plans	No	No	No
Group term life insurance plans	No	No	No
Workers compensation insurance	No	No	No
Automobile, property and casualty insurance	No	No	No