



## Certification to Health Insurance Issuer For Discloser of PHI

Wisconsin Department  
of Employee Trust Funds  
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WHEREAS the Group Insurance Board (“BOARD”) is the Plan Sponsor (“Plan Sponsor”) of an employee health insurance plan pursuant to Wis. Stats. §§ 40.51 and 40.52; and

WHEREAS, the Department of Employee Trust Funds (“DEPARTMENT”) acts on behalf of the Plan Sponsor to administer the employee health insurance plan pursuant to authority delegated by the State of Wisconsin to the Secretary of DEPARTMENT under Wis. Stats. § 40.03(2)(b) and by the Secretary to employees of DEPARTMENT under Wis. Stats. § 40.03(2)(f);

WHEREAS, the employee health insurance plan is administered by the DEPARTMENT on behalf of the Plan Sponsor and is a “group health plan” and Covered Entity within the meaning of the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”); and

WHEREAS, Insurance Company (“Insurer”) and BOARD have entered into an insured service agreement; and

WHEREAS, DEPARTMENT and Insurer desire to exchange health information protected by HIPAA (“Protected Health Information” or “PHI”), pursuant to the authority of 45 CFR §§ 164.504 and 164.506 (c)(3); and

WHEREAS, DEPARTMENT occasionally needs certain PHI from Insurer to conduct certain plan administration functions and payment or health care operations as allowed under 45 CFR § 164.504 and § 164.506,

THEREFORE, DEPARTMENT, on behalf of itself and the BOARD, hereby certifies that the documents and materials for the Group Health Plan (hereinafter “Plan Documents”) will comply with the requirements of 45 CFR § 164.504 (f)(2) and that DEPARTMENT will safeguard and limit the use and disclosure of PHI that the BOARD may receive from DEPARTMENT to perform the plan administration functions.

Further, DEPARTMENT certifies that:

- DEPARTMENT will not use or disclose PHI other than as permitted or required by the Plan Documents or as required by law;
- DEPARTMENT ensures that any agents, including a subcontractor, to whom it provides PHI, agree to the same restrictions and conditions that apply to DEPARTMENT and BOARD;
- DEPARTMENT will not use or disclose PHI for employment-related actions and decisions or in connection with any other benefit or employee benefit plan;

- DEPARTMENT will report to the Insurer when DEPARTMENT becomes aware of any use or disclosure of the PHI that is inconsistent with the purpose for which the uses or disclosures were provided to DEPARTMENT;
- DEPARTMENT will make available the Designated Record Set of PHI to members for the purposes of inspection pursuant to 45 CFR § 164.524;
- DEPARTMENT will make available PHI for amendment and incorporate any amendments to PHI pursuant to 45 CFR § 164.526;
- DEPARTMENT will make available the information required to provide an accounting of disclosures pursuant to 45 CFR § 164.528;
- DEPARTMENT shall make its internal practices, books, and records relating to the use and disclosure of PHI received from Insurer available to the Secretary of Health and Human Services for purposes of determining compliance by DEPARTMENT with 45 CFR § 164.504;
- DEPARTMENT shall return or destroy all PHI received from Insurer that DEPARTMENT still maintains in any form and retain no copies of such information when no longer needed for the purpose for which disclosure was made. Except that, if such return or destruction is not feasible, DEPARTMENT will limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible; and
- Employees or classes of employees or other persons under the control of DEPARTMENT who will be given access to the PHI received from Insurer will be restricted to the plan administration functions that the DEPARTMENT performs in the Office of Strategic Health Policy and by Ombudsperson Services staff; and DEPARTMENT will provide an effective mechanism for resolving any issues of noncompliance.