

HIPAA and Eastern Alliance

Eastern Alliance Insurance Group (“Eastern Alliance”), along with our legal counsel, has reviewed the Health Insurance Portability And Accountability Act of 1996, and its implementing regulations (collectively, “HIPAA”). After our review, we have concluded that HIPAA Business Associate Agreements are not required in connection with our provision of workers’ compensation insurance. Although Eastern Alliance does receive Protected Health Information from its clients in connection with our provision of workers’ compensation insurance, such disclosures are allowed under HIPAA without a Business Associate Agreement.

As a workers’ compensation insurer, Eastern Alliance does not have access to Protected Health Information. Eastern Alliance is provided Protected Health Information only upon the filing of a claim for workers’ compensation benefits by one of our insured’s employees. The Office of Civil Rights, the governmental entity charged with enforcing HIPAA Privacy Rule and Security Rules has determined that the Privacy Rule does not apply to workers’ compensation insurers such as Eastern Alliance. See 45 CFR 164.512(l). Moreover, a business association for purposes of HIPAA occurs when the right to use or disclose the protected health information belongs to a covered entity, and another person is using the protected health information on behalf of the covered entity; that is not the case with the provision of workers’ compensation insurance. See 65 Fed. Reg. 82476 (Dec. 28, 2000).

Although Business Associate Agreements are not necessary, please be aware that Eastern Alliance complies with all applicable federal and state law regarding confidentiality of records.

