

HIPAA Role Play Scenarios

These four role play scenarios are intended to help illustrate what we in the HR community can and cannot discuss with employees as it pertains to protected health information (PHI).

Scenario #1 – Mastectomy

In the first scenario, an employee asks her HR Representative about her health plan.

- EE:** Hi, I'm calling because I have a question about my medical plan. I'm going to need a mastectomy and will probably also need reconstructive surgery. Can you tell me if these procedures are covered under my HMO?
- HR:** Well, I will not be able to answer any questions as they pertain to your specific medical condition. This is because of the new HIPAA Privacy legislation that went into effect on April 14th of this year. This legislation was put into place to protect your health information. Therefore, I will need to refer you directly to your health plan claims administrator for any questions you have regarding your personal medical needs.
- EE:** But you've always helped me with these types of questions before. As you know, I've had trouble dealing with my HMO and have sometimes been given incorrect information from Member Services. This is really going to affect me personally, and I need to make sure I get the right information before I proceed with any treatment.
- HR:** I do understand your concern and, believe me, ensuring that you get the right answers is just as important to me as it is to you. However, given this new legislation, which is designed to protect your health information by limiting access to it, I am unable to discuss this with you. I can, though, show you where to find the correct contact information for your claims administrator on **Colleague Connect** (if active) or **Connect** (if terminated), our benefits website, and give you the number to call to ensure your questions are answered correctly.
- EE:** I really don't understand why, all of a sudden, you are unable to help me answer these questions.
- HR:** Again, this law is designed to keep your health information private and to limit access to only those who are in a position to help you resolve your claims issues. This responsibility resides with your plan's claims administrators—and no longer with the HR community. The HIPAA Privacy Notice that was mailed to your home address describes this new Federal legislation and explains why MMC cannot have knowledge of any protected health information about its employees. You can also view this privacy notice and MMC's policies regarding HIPAA on **Colleague Connect** (if active) or **Connect** (if terminated), I can show you where to find this information if you still have questions.

This example portrayed a scenario where the HR Representative was unable to answer any questions because the employee had revealed information about her specific medical condition. Once this happens, the HR Representative cannot engage in conversation regarding the medical plan.

Scenario #2 – Mastectomy

In our next example, the HR Representative can answer general questions about the plan provisions because the employee did not reveal any personal health information.

EE: Hi, I'm enrolled in the UHC Missouri HMO and would like to know if the plan covers mastectomies. And if so, does it also cover reconstructive surgery? Would you be able to answer questions regarding my HMO's provisions?

HR: Yes, I can help. Your HMO does cover mastectomies and reconstructive surgery. Prior approval is required, so it's important that you contact your HMO directly as soon as possible for more information. You can also visit **Colleague Connect** (*if active*) or **Connect** (*if terminated*), MMC's benefits website, to see a detailed description of your plan provisions. I can show you how to find this information.

The difference between these two examples is subtle. It is important to really listen to what the employee is saying. If the employee reveals information about his or her personal medical condition, you cannot answer questions about the medical plans. If no personal information is revealed, you can give general information on what a specific medical plan may or may not cover.

#3- In-Vitro Fertilization

Our third role play scenario depicts a conversation between an HR Representative and a Corporate Benefits Administrator:

HR: Hi, I'm calling about an e-mail that I will forward to you. It's about Mrs. Smith's infertility claims. The artificial insemination procedure performed by her physician is not being covered, and I think we need Corporate Benefits to intervene.

CB: Unfortunately, MMC is unable to discuss or receive any information on the employee's medical condition due to the new HIPAA privacy legislation that went into effect on April 14th of this year. You will need to refer the employee directly to her health plan claims administrator since the administrator is the claims fiduciary and is solely responsible for making claims decisions. You should not forward the e-mail to me. In fact, you need to delete the e-mail immediately since it contains protected health information.

HR: The employee gave me a copy of the EOB. Can the company do anything to facilitate an appeal?

CB: In order to comply with the new HIPAA privacy guidelines, you cannot receive, maintain or disclose private health information regarding the employee. If the employee wishes to appeal a claim, she must follow the plan's claims appeal process, which is detailed on **Colleague Connect** (*if active*) or **Connect** (*if terminated*), our benefits website.

HR: What should I do with the EOB that the employee gave me?

CB: Since MMC is no longer able to maintain employees' private health information, you must delete all e-mails about the employee's private health information and shred the EOB immediately.

Scenario #4 – Short Term Disability

Our last role play scenario is a discussion between an employee and his manager.

EE: I will be having knee surgery next month and will need to be out of the office for at least two weeks. Can you tell me if there is anything I need to do?

MGR: This would be considered a short-term disability leave. To begin the STD approval process, you will need to file an Application for Disability with our Human Resources representative. You should refer to **Colleague Connect** (*if active*) or **Connect** (*if terminated*), our benefits website, to learn more about the STD process.

In this example, the manager and/or HR Rep are able to discuss the employee's health information as it pertains to a medical leave of absence. Disability, Worker's Compensation, and Family Medical Leave Act cases are not protected under the HIPAA privacy rules.