

**AGENDA ITEM DETAILS**

**Subject:** \*Training Regarding the Health Insurance Portability and Accountability Act (HIPAA)

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**BACKGROUND:**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) establishes requirements for maintaining the privacy and security of health care information. As the administrator of the Texas Employees Group Benefits Program (GBP) health and dental plans, ERS is a “covered entity” under HIPAA and is subject to its privacy and security requirements. Entities that contract with ERS and create, receive, maintain, or transmit protected health information (PHI) related to GBP health and dental plans are ERS “business associates” under HIPAA. These vendors, including third party administrators, pharmacy benefits managers, actuaries, and auditors, also must protect the privacy and security of GBP plan participants’ PHI.

ERS is responsible for compliance with HIPAA requirements by members of its workforce, including both employees and contractors. ERS has adopted privacy and security policies and procedures to comply with HIPAA, and a Notice of Privacy Practices is distributed annually to GBP participants, as well as nonparticipating employees who are eligible for the GBP. ERS staff and management work diligently to comply with HIPAA requirements and to protect confidential information. Employees are encouraged to bring questions or concerns to their supervisors or go directly to the HIPAA Privacy Officer or Information Security Officer. Events that could compromise PHI are reported by any member of the ERS workforce to the Privacy Incident Manager, and each event is managed by the Privacy Incident Response Team.

ERS provides HIPAA training to each new employee and contractor and provides periodic HIPAA training to its entire workforce. Members of the Board of Trustees are not expected to receive PHI, although GBP plan participants may contact Board members regarding plan-related issues. Because these communications could involve the transmission of confidential information and ultimately could result in an administrative appeal within the Board’s jurisdiction, HIPAA training also is provided to Board members.

Elizabeth F. Hodge, a Partner with Akerman LLP, a national law firm, will present general education regarding HIPAA as it relates to ERS and its business associates.

This agenda item is provided for informational and discussion purposes only. No action is required.

*\*ERS is accredited by the State Pension Review Board (PRB) as a Minimum Educational Training (MET) sponsor for Texas public retirement systems. This accreditation does not constitute an endorsement by the PRB as to the quality of our MET program. This agenda item may be considered in-house training provided by ERS to board trustees and the system administrator for purposes of fulfilling the MET program requirements. ERS is an accredited sponsor of MET for its system administrator and trustees for continuing education.*

**ATTACHMENTS:**

1. Exhibit A - Resume of Elizabeth F. Hodge
2. Slides – HIPAA Training