

Adult Dependents

Don't Forget Their Privacy Rights

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Under federal health reform, young adults can remain covered on their parents' health insurance plans up to age 26. States can go even further and impose a higher threshold for this coverage (NY until age 29 and NJ, CT and PA until age 30). Given the increase in dependent age across the nation, you may find yourself having to answer more and more questions about privacy.

Do adult dependents want their parents to receive their medical information? What if they don't?

In cases where employers are dealing with older dependents, they may find that these older dependents don't want their parents being privy to their medical information. Is it really ideal for a 26-year-old child, married and not living at home, to have his or her Explanation of Benefits, which includes a claim for a certain treatment, drug testing or STD testing, mailed to his or her parents? In many cases, standard procedure has insurance

carriers automatically sending all claim information directly to the employee. In these such instances, it is important for employers to remember that their health plan participants have rights under HIPAA Privacy.

One of the rights plan participants have is to request confidential communications of their protected health information ("PHI"). With coverage being mandated for adult children under the reform, it may be a good time to remind your clients about how to respond to these types of privacy requests.

First, remember that the Privacy Rules require each insurance carrier to have a Privacy Officer that can address specific privacy concerns. When dealing with a privacy issue (whether it be for an adult dependent or otherwise), do not hesitate to reach out to these Officers.

You should also make sure you are aware of a participant's right to request that his or her PHI be sent to a different address. In order to request to receive communications of PHI from a plan by alternative means or at alternative locations an individual must clearly state that the disclosure of all or part of the information to which the request pertains could "endanger" him or her. Unfortunately, the Privacy Rules do not define the term "endanger" and it will be left to the plan to exercise its professional judgment. The plan must accommodate all such reasonable requests. However, the plan may condition the provision of a reasonable accommodation on information as to how payment, if any, will be handled (when appropriate), and specification by the individual of an alternative address or other method of contact. The plan may require an individual's (or his or her personal representative's) request for confidential communications to be in writing. Such requests should be addressed to the contact person specified in the plan's Notice of Privacy Practices.

We will continue to keep you informed as to how the federal reform impacts both you and your employees.

