

Member Confidentiality Standards

Definition

State and federal laws require Harvard Pilgrim to protect medical and financial information from unauthorized disclosure. Many of these requirements are common to our contracted providers.

Key Points

- The member's privacy must be protected.
- Member authorization must be obtained prior to the disclosure of protected health information for disclosures not permitted or required by law.
- The practitioner must obtain consent from the member before release of medical information, where required.
- For members/patients unable to provide consent, authorization may be obtained from a person legally authorized to act on behalf of the member/patient.
- Medical records must be stored in a secure location and access restricted to authorized staff.
- Information related to a "protected category," such as HIV testing, sexually transmitted diseases, substance abuse, or mental health diagnoses and treatment, may be subject to additional regulatory safeguarding requirements.
- Access to members' protected health information must be limited to those workforce members needing access in order to accomplish their business tasks.

Confidentiality Statements

Harvard Pilgrim's contracted providers are expected to treat and maintain all member information in a confidential manner in accordance with Harvard Pilgrim's provider contracts and state and federal laws.

Third-Party Disclosure

Unless permitted or required by law, member information may not be disclosed to third parties without member authorization.

Confidentiality of Substance Use Disorder Patient Records Rule

Providers participating in a Part 2 program must comply with the requirements of the Confidentiality of Substance Use Disorder Patient Records Rule (42 C.F.R. PART 2) including obtaining patient consent for treatment, payment, and disclosure of health care information. A Part 2 program refers to a program or facility that is federally assisted and provides substance use disorder diagnosis, treatment, or referral to treatment. Harvard Pilgrim reserves the right to deny payment of provider claims if the provider fails to attain the required patient consent. Providers can use this [form](#) or one of their own to obtain patient consent. Providers do not need to submit the completed consent form to Harvard Pilgrim unless it is requested. Harvard Pilgrim reserves the right to deny payment of provider's claims and the right to refuse to process other information in the event that the provider fails to obtain the necessary consent.

Member Notification of Privacy Practices

When members enroll in a Harvard Pilgrim plan, they are provided with Harvard Pilgrim's Notice of Privacy Practices that describes certain uses and disclosures of their information that are permitted or required for the provision and administration of services and benefits, such as:

- Certain oversight reviews by state or federal agencies, or their business associates (e.g., accreditation, regulatory audits).

- Coordination of care, including any required referrals and authorizations.
- Disease management programs
- Eligibility verification
- Fraud detection
- Peer review
- Quality assurance
- Utilization review
- Responding to appeals and grievances

In accordance with their Harvard Pilgrim provider contractual obligations and state or federal law, providers are expected to disclose requested member information as necessary for Harvard Pilgrim's payment and operations purposes, including for the activities listed above.

Notice of Privacy Practices

Harvard Pilgrim's Notice of Privacy Practices is available at the Harvard Pilgrim Web site, www.harvardpilgrim.org/public/home. Choose the "Privacy & Disclaimer Statements" link at the bottom of the page.

PUBLICATION HISTORY

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| 07/01/20 | reviewed; edited to bring document up-to-date |
| 01/01/23 | reviewed; administrative edits |
| 06/01/25 | added the "Confidentiality of Substance Use Disorder Patient Records Rule" section |