

# **TED BOTTEN AGENCY PRIVACY POLICY**

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## **Confidentiality and Accuracy of Records**

### **Data Privacy and Security**

**A** The Ted Botten Agency (TBA) safeguards all current client's and past client's Personal Health Information (PHI) by using Encryption on all out going correspondence and communications. It also has a secure room just for client personal information. No client information is left out for others to see.

**B** TBA is responsible for ensuring that employees complete privacy training within thirty (30) days from the date of hire/contracting and at least annually thereafter. Privacy training includes all applicable privacy requirements, including but not limited to, the proper use and security of emails and other technology used to store, send, transport or in any other way capture or appropriately share member Protected Health Information (PHI) or other confidential information.

### **C PRIVACY OF PROTECTED HEALTH INFORMATION (PHI)**

TBA duties under the implementation of regulations of the Health Insurance Portability and Accountability Act (HIPAA) as amended by the Health Information Technology for Economic and Clinical Health (HITECH Act) (HIPAA Rules). Specifically, the "HIPAA Rules" mean the Privacy, Security, Breach Notification, and Enforcement Rules at 45 CFR Part 160 and Part 164. The HIPAA Privacy Rule is the Standards for Privacy of Individually Identifiable Health Information at 45 CFR Part 160 and 164, subparts A and E. The HIPAA Security Rule is the HIPAA Security Standards at 45 CFR Parts 160 and 164, Subpart C. The HIPAA Breach Notification Regulation is the Notification in the Case of Breach of Unsecured Protected Health Information as set forth at 45 CFR Part 164, subpart D. Business Associate recognizes and agrees that it is obligated by law to meet the

applicable provisions of the HIPAA Rules. TBA agrees to contact Contracted Companies with any questions about these requirements. TBA must also comply with state law that is not preempted by HIPAA or HITECH. All requirements upon the TBA shall apply to all employees.

## **Inspection and Audit**

### **A By Contracted Insurance Companies, CMS, HHS, the Comptroller General, or their designees.**

Ted Botten Agency shall retain and shall permit Contracted Insurance Companies, CMS, HHS, the Comptroller General, or their designees to have direct access to inspect, evaluate, and audit any of the TBA Agency's books, contracts, medical records, patient care documentation, documents, papers, and other records. This retention requirement and right to inspect, evaluate, and audit shall extend ten (10) years from the expiration or termination of the Agreement or completion of final audit, whichever is later, unless otherwise required by applicable law, CMS, Contracted Insurance Companies, HHS, the Comptroller General, or their designees.

### **B TBA Internal Monitoring.**

TBA shall conduct regular internal monitoring (except as otherwise agreed by Companies, no less frequently than quarterly) and provide regular monitoring reports to Companies upon request and is encouraged to conduct internal auditing of TBA Agency operations, as a means of reviewing performance of normal on-going operations and to validate compliance with applicable laws, regulations, and CMS sub-regulatory guidance.

## **Training**

### **TBA shall provide training to its Agents and Employees**

- A** TBA will communicate general compliance information as required by CMS and Contracted Companies and administer Fraud, Waste and Abuse training to its staff and authorized subcontractors within ninety (90) days of initial hire (or, in the case of authorized subcontractors, contracting) as part of new hire orientation and at least annually thereafter. TBA agrees to include in the Fraud, Waste and Abuse training such materials as may be required or provided to Contracted Companies. TBA will also administer specialized compliance training on issues posing compliance risks based on the individual's job function. TBA must ensure that employees are aware of the Medicare requirements related to their job functions. Contracted Companies shall be entitled to access and review TBA training and education materials and courses. TBA shall record its compliance training activities and upon Contracted Companies request, provide a report of its compliance training activities, including attestations of training completion.
- B Code of Conduct**  
TBA will Provide in house Code of Conduct Training annually to all employees or have the course provided by AHIP, PinPoint annual Medicare training.
- C Non-Discrimination**  
TBA Employees shall not discriminate against any person, with respect to his or her tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment because of his or her age, sex, race, color, creed, national origin, or ancestry.

## **D Privacy Training**

TBA is responsible for ensuring that Employees complete privacy training within thirty (30) days from the date of hire/contracting and at least annually thereafter. Privacy training includes all applicable privacy requirements, including but not limited to, the proper use and security of emails and other technology used to store, send, transport or in any other way capture or appropriately share Member Protected Health Information (PHI) or other confidential information.

# **Education & Certification**

## **Product Training and Certification**

- A** Employees of TBA that sell and/or service of any Medicare or Individual Health product are considered an extension of Contracted Companies. Therefore, all TBA employees must comply with all federal and state laws, regulations, and sub regulatory guidance (including the Medicare Communications & Marketing Guidelines pertaining to the sale of Medicare products or Individual Health plans to ensure that all employees have a fundamental understanding of the Medicare program and insurance products and also to ensure that beneficiaries receive accurate information. TBA agrees to comply and ensure compliance with all CMS and Contracted Companies required training and rules, regulations, materials, and procedures.

# **Sales Activities**

## **A Suitability**

TBA will make sure that every insurance policy written is suitable for the client. TBA does not sell products just for commission.

## **B Applications**

Ted Botten is the only employee of TBA allowed to sign any application. Staff are required to process applications based on guidelines from Medicare and Contracted Companies.

Applications will be paper to online in a secure manner, uploaded or faxed with encryption technology. TBA does not mail applications.

## **Excluded Persons**

**Excluded Persons.** TBA's employees, members of its board of directors have not been excluded (or are currently under threat of suspension or exclusion) from participation in or sanctioned under the Medicare program or any other federal health care program or convicted of a criminal offense or been the subject of a civil judgment for fraudulent activities related to that person's/entity's involvement in any federal health care program. TBA shall contractually require its Medicare subcontractors to represent and ensure that neither they nor any of their employees, agents, members of their boards of directors, key management, executive staff or individuals or entities owning five percent (5%) or more of such subcontractors, whether full-time, part-time, temporary, volunteer or otherwise have been excluded (or are currently under threat of suspension or exclusion) from participation in or sanctioned under the Medicare program or any other federal health care program, and that they have not been convicted of a criminal offense or been the subject of a civil judgment for fraudulent activities related to that person's/entity's involvement in any federal health care program. TBA shall not continue to pay for any items or services furnished, ordered, or prescribed by excluded individuals or entities pursuant to 42 CFR § 1001.1901 once TBA becomes aware of such exclusion. TBA does not have any subcontractors.

## **OIG and GSA list of Excluded Individuals and Entities**

TBA must check appropriate databases including the Department of Health and Human Services Office of Inspector General (OIG) List of Excluded Individuals and Entities (available at <http://oig.hhs.gov/fraud/exclusions.html>) and the General Services Administration's (GSA's) Excluded Parties List System (available at <http://www.epls.gov/>), or such other/additional site(s) as may be designated from time to time by the OIG, GSA, CMS or other Governmental Authority, to determine whether any Affiliated Party has been excluded from participation in the Medicare program or any other federal health care program. These databases must be checked during the term of the Agreement not less than monthly, provided that with respect to all Affiliated Parties, TBA shall also check appropriate databases prior to when such Affiliated Parties commence their employment or other relationship (whether contractual or otherwise) with, or directorship or ownership of TBA. TBA shall notify Contracted Companies immediately, and in any event within no more than five (5) calendar days, in writing if TBA becomes excluded from the Medicare program or any other federal health care program, and (ii) upon becoming aware that any Affiliated Party becomes excluded from the Medicare program or any other federal health care program. TBA agrees that it is subject to 2 C.F.R. Parts 180 and 376 and shall require Medicare subcontractors to comply with the requirements of 2 C.F.R. Parts 180 and 376. 2 C.F.R. § 376.332. TBA agrees that it is subject to 45 C.F.R. Part 76 and shall require its Affiliated Parties to agree that they are subject to 45 C.F.R. Part 76. 42 C.F.R. § 423.752(a)(6).

## **Security and Encryption**

### **Email and FAX Security**

TBA is required to abide by Contracted Companies email security requirements, HIPAA privacy standards, including encryption software for all email communications which include PHI.

## **Database Information**

TBA's private database is encrypted and has passwords to enter the program for each employee.

## **Compliance**

### **Compliance with State and Federal Regulations**

TBA shall comply with all federal and state laws and regulations pertaining to the delivery and service of healthcare services, as defined at [www.hhs.gov](http://www.hhs.gov); [www.dhs.state.mn.us](http://www.dhs.state.mn.us). and for Medicare services at [www.cms.gov](http://www.cms.gov). TBA agrees to notify Contracted Companies of any warnings, citations, revocations, penalties, etc. which it has received from any state and/or federal regulatory and/or legal Agency, as soon as reasonably practicable, but not later than one business day, regardless of its nature or relation.

## **Data Collection**

The Theodore P Botten III Insurance Agency Inc. does not do any marketing or collect or share any information with any third party. Just FYI our service automatically includes START, STOP and HELP functionality