



Children and Adults Health Programs Group

Mr. John Selig
Director
Arkansas Department of Human Services
700 Main Street
Little Rock, AR 72201

FEB 26 2015

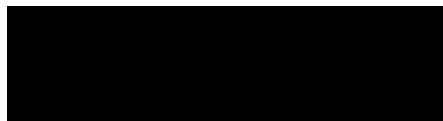
Dear Mr. Selig:

You have asked whether Qualified Health Plans (QHPs) may share claims data for Medicaid beneficiaries enrolled in the QHPs with the Arkansas Department of Human Services. These QHP enrollees receive benefits through a Medicaid demonstration project, entitled Arkansas Health Care Independence Program (Private Option), (Project Number 11-W-00287/6), which was approved by CMS on September 27, 2013. Specifically, you asked whether such an arrangement would be permitted under the Health Insurance Portability and Accountability Act (HIPAA).

As always, CMS encourages Arkansas to seek the advice of its counsel with respect to HIPAA. CMS does not administer or oversee HIPAA privacy and security requirements and responsibilities. Furthermore, neither CMS nor, as we confirmed, the HHS Office of Civil Rights provides formal advisory opinions regarding HIPAA.

That said, CMS can confirm that, under the terms of the demonstration, as described in the state's Memorandum of Understanding with the health plans, Arkansas DHS is required to have access to whatever claims data may be necessary to effectuate and verify coordination of Medicaid and QHP benefits for enrollees who are Medicaid beneficiaries. Additionally, this data is required under the terms of the demonstration for Medicaid program monitoring and evaluation of benefits, which are a condition of payment for premium assistance for QHP enrollees under the demonstration, and should be an integral part of the health care operations undertaken by the Medicaid program. These are perspectives that you may want to raise when consulting with counsel with respect to HIPAA responsibilities.

Sincerely,



Eliot Fishman
Director

cc: Bill Brooks, ARA, Region VI