



Medicine

BUSINESS ASSOCIATE CONTRACTS AND OTHER ARRANGEMENT POLICY

Latest Revision: May 1, 2017

Original Effective Date: April 18, 2005

**HIPAA Security
Rule Language:**

“A covered entity may permit a business associate to create, receive, maintain, or transmit electronic protected health information on the covered entity’s behalf only if the covered entity obtains satisfactory assurances . . . that the business associate will appropriately safeguard the information. A covered entity is not required to obtain such satisfactory assurances from a business associate that is a subcontractor.” Standard 45 CFR 164.308(b)(1)

“Document the satisfactory assurances . . . through a written contract or other arrangement with the business associate. . . .” Required Implementation Specification for Business Associate Standard 45 CFR 164.308(b)(3)

Purpose:

This policy reflects UPI’s commitment to identify Business Associates and hold them accountable to HIPAA rules as a condition of the business relationship.

Policy:

1. When another entity is acting as a business associate of UPI, the business associate must appropriately and reasonably protect the ePHI that it creates, receives, maintains, or transmits on UPI's behalf.
2. UPI will permit a business associate to create, receive, maintain, or transmit ePHI on its behalf only if there is a written agreement between the two parties, which ensures that the business associate will appropriately and reasonably safeguard the information.
3. When required by law, UPI may permit a business associate to receive, create, maintain, or transmit ePHI on its behalf to the extent necessary to comply with the legal mandate without meeting the requirements of the business associate contract. UPI must make a good faith attempt to obtain satisfactory assurances that the business associate will safeguard the ePHI, as required by the business associate contract, and to document the attempt and the reasons that these assurances cannot be obtained.
4. The transmission of ePHI by UPI to a health care provider concerning the treatment of an individual does not require a business associate agreement.

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5. All business associate agreements must be documented and should follow the standard business associate agreement language of UPI.
6. New contracts with existing business associates do not have to be obtained specifically for this purpose if existing written contracts adequately address the applicable requirements or can be amended to do so.
7. UPI will take reasonable steps to investigate any known violations of its business associate agreements. If the investigation outcomes or Business Associate remediation actions are not satisfactory, UPI may terminate the business relationship as outlined in the agreement.

Procedures: OCR Privacy Rule Guidance

Scope/Applicability: This policy is applicable to all departments that use or disclose electronic protected health information for any purpose.

This policy's scope includes all electronic protected health information.

Regulatory Category: Administrative Safeguards

Definitions: See glossary for key terms and acronyms used in this policy.
(On file with Security Officer)

Policy Authority/ Enforcement: Enforcement of this policy will reside with the Security Officer or appropriate Management.

Related Policies: Access, Use and Disclosure of PHI Policy
Minimum Necessary Policy

Renewal/Review: This policy is to be reviewed periodically to determine if the policy complies with current HIPAA Security regulations. In the event that significant related regulatory changes occur, the policy will be reviewed and updated as needed.

MM/DD/YYYY	COMMENT
05/01/2017	Updated and reviewed for CU Medicine name change
9/20/13	Reviewed and updated for Omnibus Rules; Senior Security/Project Manager.
7/24/12	Reviewed; Senior Security/Project Manager.

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Governance: Responsibility for adoption and/or implementation of this policy is as follows:

Approving Body		Executive Approval	
Security Officer:	05/01/17	Chief Financial Officer:	05/01/17
Signature on file.	Date	Signature on file.	Date