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Owner: Jennifer Todd: Privacy Specialist
Policy Area: Privacy
Regulatory Tag: CFR Title 45 Part 160, 164 (HIPAA)
Applicability: CentraCare Health Systemwide

Business Associate Agreement

PURPOSE

The purpose of this policy is to identify and define the expectations for implementing contracting provisions related to those individuals and organizations identified as Business Associates.

CentraCare Health adopts the following Policy/Procedure for:

CentraCare Health
CentraCare Clinic
CentraCare Health - Long Prairie
CentraCare Health - Melrose
CentraCare Health - Monticello
CentraCare Health - Paynesville
CentraCare Health - Sauk Centre
St. Cloud Hospital
St. Benedict's Senior Community

POLICY

CentraCare Health may disclose protected health information to these "Business Associates" if we obtain satisfactory assurances that the Business Associate will use the information only for the purposes for which it was engaged by CentraCare Health, will safeguard the information from misuse, and will help CentraCare Health comply with certain duties under the Privacy Rule. The satisfactory assurances must be writing, whether in the form of a contract or other agreement between the covered entity and the Business Associate.

Staff of CCH are responsible for contacting the Legal Department to initiate a BAA with any party that meets the following definition of a business associate prior to establishing a relationship with the third party.

DEFINITIONS

Business Associate: a person or entity (not an employee) who, on behalf of CentraCare Health,

1. Creates, receives, maintains, or transmits protected health information for a function or activity regulated by HIPAA, including claims process or administration, data analysis, process or administration, utilization review, quality assurance, patient safety activities listed at 42 CFR 3.20, billing, benefit management, practice management, and repricing; or

2. Provides legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services to or on behalf of CentraCare Health, where the provision of the service involves the disclosure of individually identifiable health information from CentraCare Health.

Protected Health Information or PHI: individually identifiable health information that is transmitted or maintained in any form or medium and that relates to the past, present or future physical or mental health or condition of a patient, the provision of health care to patient, or the past, present or future payment for the provision of health care by a patient.

STANDARD

Prior to disclosing any PHI to a Business Associate, CentraCare Health will obtain satisfactory assurances from a Business Associate that the Business Associate will appropriately safeguard the PHI it receives or creates on behalf of CentraCare Health. CentraCare Health will document these satisfactory assurances in writing in the form of a Business Associate Agreement (“BAA”) with the Business Associate in compliance with Federal Law.

PROCEDURE

- A. Determine if person or entity working on behalf of CentraCare Health is a Business Associate

The leader responsible for the relationship must evaluate each business relationship to determine the need for a BAA; utilize Attachment A (Prospective Business Associate Third Party/Vendor Guide) and Attachment B (BAA Decision Tree) for assistance. A Business Associate:

1. Provides service/activity on behalf of CentraCare Health;
2. Is not employed by a CentraCare Health entity;
3. Has access to, uses, discloses or creates PHI;
4. If unclear whether a relationship requires a BAA, contact the CCH Privacy Officer for assistance.

- B. If a BAA is necessary, access the BAA template on the CentraNet.

- C. It is preferred that the Business Associate sign CentraCare Health’s template agreement however, if that is not possible, the legal department will review the Business Associate’s template prior to execution.

- D. If the Business Associate requests to negotiate the terms of CCH’s BAA template, forward to the legal department for review.



- E. Upon receipt of signed BAA from the Business Associate forward a scanned copy of the BAA to the legal department. The legal department will obtain a signature on behalf of CCH and return the fully executed original to the department responsible for the relationship.
- F. Departments will maintain the original signed BAA within the department accord to the retention guidelines, but at any rate no less than 6 years.

REGULATORY CITATIONS

45 C.F.R. Parts 160 and 164

Disclaimer: The policies and procedures posted on CentraNet are for internal use only. They may not be copied by independent companies or organizations that have access to documents, as CentraCare Health cannot guarantee the relevance of these documents to external entities.

Attachments:

-  [BAA - Evaluating Third Parties.docx](#)
-  [BAA - Flowchart.docx](#)

Approval Signatures

Committee	Approver	Date
CCH Corporate Compliance Committee	Jessica Gotvald: Exec Asst to SVP & General Counsel	11/2016
	Jennifer Todd: Privacy Specialist	10/2016
	Jennifer Todd: Privacy Specialist	10/2016

Aid for Evaluating Third Parties for Determination of Need for Business Associate Agreement(s)

This is a list of services that are commonly considered business associates and require a business associate agreement. This list is provided for illustration only and is not a complete list of all arrangements that are subject to the business associate rules.

Third party professionals

Accountants

Attorneys

Actuaries

Consultants

Patient Safety Organizations

Risk Management

Information Technology

Billing and Coding

Management

Service Providers

Coding providers

Waste disposal and recycling companies (if PHI included in waste)

Transcription Services

Microfilm and Optical Disk Conversion Providers

Clearinghouses

Billing Companies

Insurance Brokers

Records Management Companies (including storage and reproduction)

Temporary Staffing Agencies (if personnel will have access to PHI)

Software and Hardware Providers (for installation, maintenance and other services that may have access to PHI)

BUSINESS ASSOCIATE FLOWCHART

