

UNIVERSITY OF UTAH HEALTH SCIENCES CENTER POLICY MANUAL

HIPAA: BUSINESS ASSOCIATES

No: 1-3

Chapter: HIPAA Administrative Policies

I. PURPOSE

A. To establish policies and procedure for the University of Utah Health Science Center (UUHSC) when the UUHSC shares protected health information with a third party who will use or disclose on the UUHSC's behalf.

II. DEFINITIONS

A. Business Associate means a company or person who is not a member of the UUHSC workforce AND who on behalf of the UUHSC performs, or assists in the performance of, an activity involving the use or disclosure of protected health information. Examples include external transcriptionists, translators, or 3rd party copy services.

B. Data aggregation means the combining of protected health information by a business associate with the protected health information received by the business associate in its capacity as a business associate of another covered entity, to permit data analyses that relate to the health care operations of the respective covered entities.

C. See UUHSC Policy 1-2: HIPAA Definitions.

III. POLICY

A. The standard Business Associate Agreement language should be used.

B. The use of a non-standard Business Associate Agreement and/or modification of language in the standard Business Associate Agreement must be approved by the Office of General Counsel. The use of a non-standard Business Associate Agreement must also be reported to the HIPAA Privacy Office.

C. A Business Associate Agreement will be put in place with institutions sending students to the University of Utah Health Sciences Center for the purpose of training or education.

D. A Business Associate Agreement must be in place prior to sending a Business Associate any protected health information.

E. If required, the Business Associates Agreement will become part of all new contracts executed after October 15, 2002.

F. If required, all contracts will have a Business Associate Agreement in place by April 14, 2004.

G. Departments within the UUHSC will maintain a current inventory of 3rd parties with whom the department is sharing protected health information. This inventory will be sent to the HIPAA Privacy Office on a yearly basis, or more routinely upon request.

H. If you need assistance on Business Associates, contact the HIPAA Privacy Office.

I. Business Associate Violations

1. When a Business Associate notifies UUHSC of a possible breach or violation of the agreement, the HIPAA Privacy Office will be notified within one business day.

2. Upon completion of the investigation or inquiry, the HIPAA Privacy Office will recommend appropriate action to the department, and Sr. Management, if necessary.

J. A review will be conducted when new contracts, modifications to existing contracts, or when protected health information is provided to a 3rd party without a contract to determine if a Business Associate Agreement is required.

K. A violation of any provision of this policy may result in disciplinary action, up to and including the termination of employment, suspension of privileges, or imposition of academic sanctions consistent with applicable University policy and procedure. A violation of this policy can result in civil and/or criminal penalties. See UUHSC Policy 1-10: HIPAA Violations, Sanctions, and Mitigation.

IV. SCOPE

A. This policy affects all areas and workforce members of the Health Sciences Center that are part of the covered entity (see UUHSC Policy 1-2: HIPAA Definitions policy).

B. This policy is effective April 14, 2003.

APPROVAL BODY: Vice President s Senior Leadership Council
APPROVAL DATE: April 1, 2003
POLICY OWNER: HIPAA Privacy Office
ORIGIN DATE: November 25, 2002
REVISION DATE: n/a
REVIEW DATE: n/a

REFERENCES:

1. 45 C.F.R. § 160.103: Health Insurance Portability and Accountability Act: Definitions
2. 45 C.F.R. § 164.501: Health Insurance Portability and Accountability Act: Definitions
3. 45 C.F.R. § 164.502: Health Insurance Portability and Accountability Act: Disclosures to Business Associates
4. 45 C.F.R. § 164.532: Health Insurance Portability and Accountability Act: Transition Provisions
5. <http://uuhsc.utah.edu/privacy/>