Procedure A-4: Business Associates

The policy of the SBC is to obtain written assurances from BAs that they will appropriately safeguard any PHI they create or receive on the SBC's behalf. Such written assurances will be in place before the SBC discloses PHI to the Business Associate.

I. The SBC Manager will follow established MDHFS procedures regarding contract review, revision and approval to assure that contract is in compliance with state and federal law.

II. Current examples of SBC's BAs are:

   A. Billing Specialist

   B. Contract Laboratory

   C. EHR Vendor

   D. Claims Clearinghouse vendor

III. If a BA Agreement is necessary the SBC template BA agreement will be provided to the third party for their approval and appropriate signature. (see example in appendix)

IV. If a BA Agreement is necessary, and the third party requests its own BA Agreement, the city attorney will review the Agreement to assure it meets all requirements of the Privacy Rule.

V. If the BA refuses to sign the BA Agreement, the HIPAA Privacy Rule prohibits the SBC from disclosing any PHI to the BA. If the BA requires access to PHI in order to perform the function or service on behalf of the SBC, the SBC shall not contract with the BA.