

# Managing Business Associate Agreements Both Perspectives

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# Purpose

Discuss practical solutions for managing Business Associate Agreements, both as a Covered Entity and as a Business Associate

# The Challenge

- Ten years of Business Associate Agreements
- Omnibus Rule
  - Transition period allows for Covered Entities and Business Associates to operate under existing contracts
    - if BAA existed prior to January 25, 2013 that complied with HIPAA provisions in place at the time
    - until September 22, 2014 or until contract is modified or renewed, whichever is sooner
- Continuing reviews of Business Associates
- Training
  - New contracts
  - Ending contracts

# Existing Business Associate Agreements

- Find them
- Categorize them
  - Never should have been a Business Associate
  - Was a Business Associate, contract no longer active
  - Current Business Associate
- Assign strategy for updating and reviewing in the future

# Tracking



## Business Associate Agreement Tracking System (Open Contracts)



Save Record

<http://uaams.edu>  
Confidentiality is a team sport; when we protect PHI, everyone wins!

BATS ID:   SAP ID

Company Name

Alias/Related Company Name

Address:

City:  State

Zip:  Telephone:  Fax:  Email:

Company Website:

Print This Record

Company Description and Services Provided to UAMS:

Spell Check

Is The BA Using a Sub Contractor?

BA Contact:  Phone:  Email:

Contact Title

UAMS Departmental Affiliation  UAMS Dept Contact

Contact phone no.  Contact alternate phone

Contact email

Previous Agreement Date:

Current Agreement Date:

Date Contract Signed

Initial Contract Alert Submitted by

PHI Level of Risk  Review Date

# As Covered Entity

- Never should have been a Business Associate
  - Letter stating that BAA not needed
  - Do not go into new database
- Was a Business Associate but contract no longer active
  - Letter requesting certification that all PHI has been returned or destroyed
  - Entered into database and closed out
- Existing Business Associate
  - Updated Business Associate Agreement
  - Entered into database for follow up and review

# As Business Associate

- Identify workforce members involved in carrying out contract
- Have breach notification strategy in place
- Enter into database for follow up and review

# Assessment and Review

- Security Checklist
- Risk assessment
  - How many BA workforce members have access to PHI
  - Volume of PHI involved and extent/frequency of access
  - Security controls in place
- Follow up
  - Risk category
  - 1, 2, or 3 year review



# Workforce Training

- Understanding of contracting process within the organization
- Identification of possible Business Associate relationships
- Awareness of BAA existence
  - In case of breach
  - When contract ends