

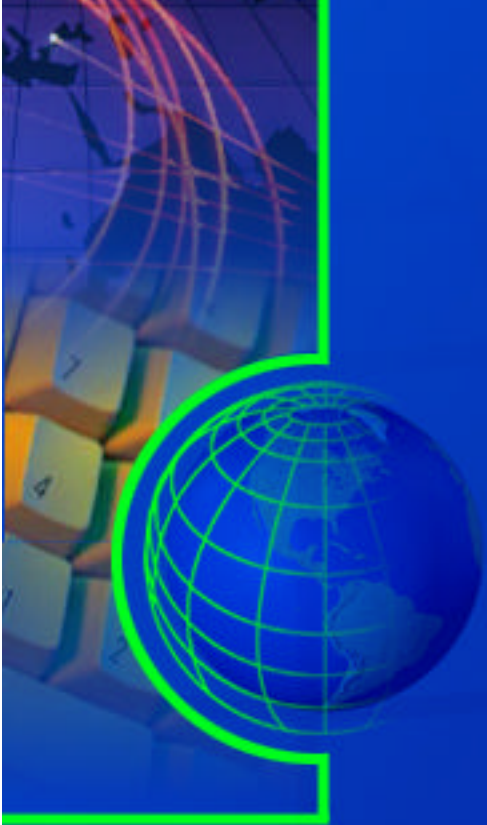


HIPAA

Business Associates:

A Compliance Strategy

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Determine if you are a Covered Entity?

- Covered Entities:
 - health plans;
 - health care clearinghouses; and
 - health care providers who transmit health information in electronic form in connection with a standardized transaction.



What is a Business Associate?

- There are 2 Types:
 - 1) On behalf of a Covered Entity, performs or assists in performance of a function or activity involving the use or disclosure of Individually Identifiable Health Information.



What is a Business Associate? (cont'd)

- 2) Provides legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services to or for a Covered Entity, where the provision of the services involves the disclosure of Individually Identifiable Health Information.



Dealing with Business Associates

Covered Entities should:

- 1) Identify your Business Associates -- being over-inclusive is not helpful.
- 2) Develop model contract provisions -- NPRM is a good start but is not complete.
- 3) Monitor the performance of your Business Associates.



What If You Are A Business Associate?

- 1) Don't accept a Covered Entity's word for it.
- 2) Develop a strategy for negotiating business associate contracts.
- 3) Become a "HIPAA friendly" Business Associate.
- 4) Consider risk management.