Business Associate Agreement (BAA) Update

Vanderbilt Medical Center (VMC) uses the services of a variety of suppliers and other service providers (individuals and companies) to carry out some of its activities, services and functions. In these relationships, VMC is considered the **Covered Entity**. In other situations, VMC may be the **service provider** on behalf of another Covered Entity (health care provider, health plan or health care clearinghouse). When these service provider relationships require creation, use, disclosure, or storing of protected health information (PHI), a **Business Associate** relationship exists.

**Things You Need to Know:**

- The Department of Health and Human Services (HHS) published the highly anticipated Health Insurance Portability and Accountability Act (HIPAA) Omnibus Final Rule (the “Final Rule”). The Final Rule has important operational consequences for covered entities and business associates and recommends steps to take to ensure compliance.

- When VMC has a Business Associate relationship with an individual or entity, a Business Associate Agreement (BAA) that complies with HIPAA and the Health Information Technology Act (**HITECH Act**) must be executed between the parties.

- The BAA defines the authorized uses of the PHI, the safeguards required to protect the information, and the steps to be taken in the event of a breach of the PHI.

- Examples of Business Associate relationships include but are not limited to:
  - Claims processing or administrative services
  - Accreditation
  - Data analysis
  - Billing
  - Legal Services
  - Consulting
  - Software maintenance or support that includes access to PHI
  - Record storage or disposal services

- The VMC Privacy Office maintains the approved standard forms for the Business Associate Agreements. Any variance from the standard form for use in a particular Business Associate relationship must be approved by the Privacy Official or the Office of General Counsel.

- Templates for Business agreements are found on the Privacy and Security website (**Information Privacy and Security**), all templates were revises April 2013. (**BAA Templates**).

- The VUMC contracting party is responsible for providing a copy of each fully executed Business Associate Agreement to the Privacy Office for retention and tracking. When presenting BAA’s to the Privacy Office for signature, all BAA’s must have a **Cover Letter**.

- Known or suspected violations of a Business Associate Agreement are to be reported to the VUMC Privacy Office. Subcontractors of the Business Associate are held to the same standards as the Business Associate.

**IM 10-10.01: “Business Associate Agreements”**

For more information go to: [www.mc.vanderbilt.edu/privacy](http://www.mc.vanderbilt.edu/privacy) or e-mail the Privacy Office at [privacy.office@vanderbilt.edu](mailto:privacy.office@vanderbilt.edu)

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