



Policy and Procedure: HIPAA/HITECH Compliance

Topic: *Business Associate*

HIPAA Regulation:

- *Business associate contracts and other arrangements* §164.308(b)(1) required
- *Written contract or other arrangements* §164.308(b)(1) required

Policy Purpose:

The purpose of this policy is to document the process for determining, documenting, and monitoring those contractual and business relationships that are considered “Business Associates” as defined by the HIPAA Security Rule.

Policy Description:

Business Associate Determination

In order to determine if a contractual or business relationship meets the definition of a HIPAA Business Associate as defined by legal mandate, the following process shall be followed:

1. When a contract is developed or a new vendor is added it is the responsibility of the Executive Director or Designee to ensure that a HIPAA Business Associate Agreement (BAA) is completed, sent to the vendor, returned without unreasonable delay, and reviewed annually during the first quarter Corporate Compliance Committee meeting.

Business Associate Monitoring

1. If Saratoga Bridges knows of a pattern of activity or practice that constitutes a material breach or violation of an obligation of the Business Associate under the contract or other arrangement, Saratoga Bridges shall take reasonable steps to repair the breach or end the violation as applicable.
2. During the first quarter of each year, the Corporate Compliance Committee will assess all Business Associates regarding each Business Associates compliance with the BAA and HIPAA rules.



Policy Responsibilities:

Workforce Member Responsibilities

1. Immediately provide information regarding any complaint or report from any source about inappropriate safeguards to PHI by Business Associate contractors to their manager or supervisor.

Manager and Supervisor Responsibilities

1. Respond to any pattern of activity or practice of a HIPAA Business Associate that constitutes a material breach or violation of an obligation of the Business Associate, under the contract or other arrangement, by documenting the incident.
2. Promptly inform and work with Compliance Officer to repair the breach, end the violation, and or terminate the contract, as applicable.

Office of Compliance Responsibilities

1. Maintain a database of all HIPAA Business Associates.
2. Coordinate with Security Officer in responding to a report of any pattern of activity or practice that constitutes a material breach or violation of an obligation of a Business Associate.