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| <b>Policy Title:</b> HIPAA Business Associate Contract and Other Arrangement<br><b>Number:</b> TD-QMP-7021 |  |
| <b>Subject:</b> Business Associate Contracts and Other Arrangements  |  |
| <b>Primary Department:</b><br>TennDent/Quality Monitoring/Improvement                                      | <b>Secondary Department:</b><br>TennDent/Administration  |
| <b>Effective Date of Policy:</b><br>9/23/2011  | <b>Prior Policy or Cross Reference(s):</b><br>10/01/2010 |
| <b>Last Reviewed by TennDent Quality Monitoring/Improvement Committee:</b><br>9/23/2011                    | <b>Date Policy Last Revised:</b> 9/23/2011               |
| <b>Review Frequency:</b> Annually  | <b>Next Scheduled Review:</b> 7/1/2012                   |
| <b>TennDent Quality Monitoring/Improvement Committee Approval:</b><br>On File                              | <b>Approval Date:</b> 9/23/2011                          |

**Scope:**

TennDent staff and vendors

**Purpose:**

TennDent is committed to conducting business in compliance with all applicable laws, regulations and TennDent policies. TennDent has adopted this policy to ensure that access to Electronic Personal Health Information (EPI) is appropriately limited.

**Authoritative Reference:**

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 (P.L.104-191) HIPAA Security Rule [HIPAA Administrative Safeguards] [see §164.308(b)(8)]

**Policy:**

1. TennDent, in accordance with §164.306, may permit a Business Associate to create, receive, maintain or transmit EPHI on TennDent's behalf only if TennDent obtains satisfactory

assurances, in accordance with §164.314(a) that the Business Associate will appropriately safeguard the information.

2. This standard does not apply with respect to:
  - a. The transmission by TennDent of EPHI to a health care provider concerning the treatment of an individual.
  - b. The transmission of EPHI by a group health plan or an HMO or health insurance issuer on behalf of a group health plan to a plan sponsor, to the extent that the requirements of § 164.314(b) and §164.504(f) apply and are met; or
  - c. The transmission of electronic PHI from or to other agencies providing the services at §164.502(e)(1)(ii)(C), when TennDent is a health plan that is a government program providing public benefits, if the requirements of §164.502(e)(1)(ii)(C) are met.
3. If TennDent violates the satisfactory assurances it provided as a business associate of another covered entity TennDent will be in noncompliance with the standards, implementation specifications, and requirements of the HIPAA regulation.
4. Written Contract or Other Arrangement (Required) §164.308(8)(4) See Business Associate Agreement Policy.
5. TennDent will document the satisfactory assurances through a written contract or other arrangement with the business associate.

#### **Violations**

Any individual, found to have violated this policy, may be subject to disciplinary action up to and including termination of employment.

#### **Related Policies and Procedures:**

Document and Records Management Policy  
Document and Records Management Procedure  
HIPAA Access Control Policy  
HIPAA Information Access Management Policy  
HIPAA Information Access Management Procedure  
HIPAA Periodic Evaluation of Security Policies and Procedures  
HIPAA Personal Health Information Policy  
HIPAA Security Awareness and Training Policy  
HIPAA Security Awareness and Training Procedure  
HIPAA Security Compliance Policy  
HIPAA Security Verification and Validation Policy  
HIPAA Workforce Security Polciy

#### **Related Documents:**