

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

Related Documents: