



BUSINESS ASSOCIATES POLICY

PURPOSE

To establish a policy for the identification and use of Business Associates to ensure Business Associates use confidential information only for the purposes LADD has contracted with them for, will safeguard confidential information from misuse and will comply with applicable HIPAA standards.

SCOPE

This policy applies to all LADD support services, employees and Business Associates.

POLICY

It is the policy of LADD to obtain satisfactory assurances from Business Associates that they will appropriately safeguard the PHI it receives or creates on behalf of LADD.

STANDARDS AND DEFINITIONS

Business Associate (BA) – A person or entity that performs certain functions or activities that involve the use or disclosure of PHI on behalf of, or provides services to LADD. Functions performed by a BA may include legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, and financial activities.

Business Associates must not be excluded from any federal or state programs in order to be a Business Associate of LADD and must notify LADD immediately if they become excluded from participation in State or Federal health plans or have any sanctions imposed on them by Medicare or Medicaid. An employee of LADD is not a Business Associate.

Exceptions to Business Associate – A person or entity is NOT a BA if their function or service does not involve the use or disclosure of PHI and access to PHI would be incidental if at all. This may include general classifications such as janitorial, pest control, fire safety and other service related providers, fleet management and transportation and technology support. Additionally, a person or organization that acts merely as a conduit for PHI, such as the US Postal Service is not a BA.

Business Associate Contract (BAC) – An agreement entered into by LADD and a BA that describes the permitted and required uses of PHI by the BA, appropriate safeguards to prevent unauthorized use or disclosure of PHI. If LADD becomes aware of a violation of the contract; steps will be taken to correct the violation or terminate the contract.

Term of Business Associate Contract – The BAC shall be effective for the length of the relationship between the BA and LADD unless otherwise terminated under the provisions outlined in the BAC.

Corporate Compliance Officer – Responsible for overseeing the management of BA relationships and BACs which includes assessing existing and future vendor/business relationships to determine whether a BAC is needed.

PROCEDURE

1. The CCO in conjunction with the Compliance Committee will determine the need for a BAC.
2. The CCO will collect contact information for the BA.
3. The CCO will provide training and relevant policies to the pending BA.
4. The CCO will collect the BAC with the BA. In some circumstances, the BA will provide a copy of their BAC. Regardless of the format or where the BAC originates from the BAC will be signed by both parties and contain the required elements according to HIPAA standards.
5. The CCO will maintain the following information relative to the BA:
 - Name of the BA
 - Address and telephone number of the BA
 - Contact person and information for the BA
 - Date BAC executed
 - Date training completed
 - Type of work to be performed by BA.



LADD

WE MAKE THE DIFFERENCE