Business Associate Agreement Policy

POLICY STATEMENT
The purpose of this policy is to provide guidelines for compliance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the HIPAA Privacy Regulations relating to "Business Associates". All employees, providers and other workforce members are responsible for compliance with this policy.

DEFINITIONS

Business Associate: A person or entity (not an employee) who, on behalf of Munson Healthcare
(1) Performs a function involving the use or disclosure of individually identifiable health information, PHI, (other than incidental) including claims processing or administration, data collection/analysis, processing or administration, utilization review, quality assurance, billing, benefit management, practice management, and repricing or
(2) Provides legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services to or for Munson Healthcare, where the provision of the service involves the disclosure of individually identifiable health information from Munson Healthcare.

Business Associate Agreement: The HIPAA required contract between two parties that share PHI for non-Treatment, Payment or Healthcare operations. This is commonly referred to as the BAA.

Covered Entity: The term ‘covered entity’ has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations as follows:
(1) A health plan.
(2) A health care clearinghouse.
(3) A health care provider who transmits any health information in electronic form in connection with a transaction covered by this subchapter [e.g., HIPAA Administrative Simplification transaction standards].

Electronic Protected Health Information (ePHI): Protected Health Information (PHI) stored or transmitted by electronic means.

Incidental Disclosure: The possible disclosure of PHI due to exposure to information while performing a service for Scripps that does not directly involve access, use and disclosure of PHI. Examples include, janitorial service, non-patient care employees/vendors in the patient room or waiting area.

Munson Healthcare: The collective term used to refer to any of the following Munson Healthcare entities or associated organizations including but not limited to Munson Healthcare, Munson Support Services, Munson Medical Center, North Flight, Inc., Munson Medical Group, Sixth Street Drugs, Munson Home Health, Charlevoix Area Hospital, Munson Home Care, Kalkaska Memorial Health Center, Munson Home Services, Mercy Hospital Grayling, Munson Services, Inc., Mercy Hospital Cadillac, Munson Dialysis Center, Otsego Memorial Hospital, Munson Healthcare Regional Foundation, Paul Oliver Foundation, Paul Oliver Memorial Hospital, West Shore Medical Center

Protected Health Information (PHI): individually identifiable health information that is transmitted or maintained in any form or medium and that relates to the past, present or
future physical or mental health or condition of a patient, the provision of health care to patient, or the past, present or future payment for the provision of health care by a patient. Information is “individually identifiable” if it either identifies an individual or contains This includes but is not limited to patient name, birthdate, treatment dates, social security number, medical record number, health plan beneficiary number or photographic images.

BACKGROUND
Under the Privacy Rules, PHI cannot be disclosed to business associates without having in place a written contract that includes specific privacy protections. Business Associate Agreements (BAA) are critical to safeguarding PHI when used or disclosed by service providers such as third party administrators, benefit consultants and attorneys – not otherwise covered by the privacy rules. Munson Healthcare has developed a standard Business Associate Agreement that should be used in any newly established business associate relationship, new contracts or any contracts with existing relationships that are being renewed.

OBTAINING THE BUSINESS ASSOCIATE AGREEMENT
Business Associate Agreements are the basis for protecting data entrusted to non-workforce members. The following applies regarding obtaining agreements:

1. Each workforce member is responsible for obtaining the necessary Business Associate Agreement(s) required for their related job duties. This may include but is not limited to implementations of new software packages, new hosting agreements, sharing of data with a non-workforce member or exporting information with PHI to be analyzed by a vendor.
2. Workforce members may access the current Business Associate Agreement inventory at this link: Business Associate Agreement Inventory Link
3. Workforce members, vendors and other interested parties may access the Munson Healthcare Business Associate Agreement Internet page available at this link: Business Associate Agreement External Webpage Link
   The external webpage contains blank agreements, guidance on when an agreement is required and information for vendors on requirements for Business Associates.
4. If a workforce member needs assistance in determining Business Associate Agreement requirements they must contact the Security Officer for guidance. Contact information for the Security Officer is listed in the corporate directory.
5. Workforce members may not execute Business Associate Agreement’s without approval from the Security Officer. In the absence of the Security Officer the Privacy Officer or other designated employee may grant approval.
6. Standard Business Associate Agreements have a built in workflow that delivers a copy of the agreement to the Security Officer for processing. If a non-standard agreement is used a copy of the agreement must be forwarded to the Security Officer for inclusion in the Business Associate Agreement inventory.

EDUCATION
The Security Officer will develop and maintain a HealthStream course or other education to ensure competency of workforce members regarding the following items:

1. Who is a Business Associate (e.g., types of relationships)
2. When a Business Associate Agreement is required
3. Webpage address to obtain a Business Associate Agreement form
4. What information can be shared with a Business Associate
5. Components of the Business Associate Agreement that define the Business Associate’s obligations
6. Business Associate inventory lists, including how to access the same
7. Who to contact for approval in cases where the standard Business Associate Agreement cannot be used.

COMPILATION AND MAINTENANCE OF BUSINESS ASSOCIATE AGREEMENTS
The Security Officer is responsible for the following:

1. Periodic review the accounts payable list to identify all parties who are Business Associates of Munson. A review is also required if regulation changes drive the need for new or amended agreements.
2. Compiling an inventory list of Business Associate relationships with the following information:
   a. Munson Healthcare subsidiaries that are collectively referred to in the agreement
   b. Munson Healthcare’s relationship – are they the Covered Entity or the Business Associate
   c. Legal name and if appropriate DBA or other known name of the Covered Entity or Business Associate
   d. Contact information for the Covered Entity or Business Associate
3. Maintenance of the Business Associate Agreement inventory list including but not limited to adding new agreements, updating existing agreements and archiving old agreements.
4. Filing all executed Business Associate Agreements in a central electronic location.
5. Seeking approval from Munson’s Legal Department of any proposed language changes which materially deviate from the standard Business Associate Agreement.
6. Ensuring that the Business Associate Agreement process and related elements including but not limited to forms, documentation and education are reviewed for updates and compliance when federal or state regulations change.