

# Business Associate Agreements

Barbara Wolodzko, Privacy Officer

Privacy & Healthcare Civil Rights Compliance

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## What is a Business Associate Agreement (BAA)?

A BAA is a written, legally binding contract between a healthcare provider/organization and an individual/organization (not an employee) that has or will receive access to, transmit, or store protected health information (PHI) as part of the services it is rendering to the provider/organization.

BAAs are required under HIPAA and they also serve to outline the liability between the parties (covered entities and business associates) if the other discloses PHI in violation of HIPAA.

# What is a Covered Entity (CE)?

A health plan, healthcare clearinghouse, and a **healthcare provider** who electronically transmits any health information in connection with transactions for which HHS has adopted standards.

**Key Takeaway:** Under a BAA, the CE is the one giving someone else (such as a vendor) access to its PHI in connection with a service it has hired them to do on its behalf.

**TIP:** USF can be a CE or a BA under a business associate agreement. However, most of the time USF is the CE since we are hiring someone to access, transmit or store our PHI on our behalf for a particular reason.

# What is a Business Associate (BA)?

A BA is “[a] person or entity, other than a member of the workforce of the covered entity who performs functions or activities on behalf of, or provides certain services to, a covered entity that involves access by the business associate to protected health information. A [BA] also is a subcontractor that creates, receives, maintains, or transmits protected health information on behalf of another [BA].” (As defined by HHS.)

**Key Takeaway:** if an organization/vendor/person is hired to use, store, transmit, or access PHI by the CE, then it is going to be the BA. A BAA must be signed by both parties prior to them accessing PHI.

# Examples:

## **USF is the CE:**

USF hires a vendor to store old paper copies of medical records of some of our patients.

USF hires an advisor to review our clinics to determine how they may be more efficient. The advisor may have access to PHI when observing our clinics and how they operate.

## **USF is the BA:**

ABC Sleep Center hires USF to interpret EEG studies on behalf of the ABC Sleep Center.

## To request a BAA be drafted and/or reviewed:

**Our simple CompliancePro Solutions BAA request form must be completed** (this link is on the TPA site as well)\*:

[https://usf.complianceprohealth.com/request/business\\_associate](https://usf.complianceprohealth.com/request/business_associate)

\*If you are uncertain whether a BAA is needed, go ahead and complete a BAA request form.

**Note: We will not draft or review a BAA that comes to us via email or a message within the TPA system without a BAA request form being completed within CompliancePro. Additionally, a copy of the underlying agreement/contract must be uploaded into CompliancePro. If you have a copy of the vendor's BAA, please upload that as well.**

## Request a new Business Associate (BA) Agreement

To request a new Business Associate Agreement ("BAA"), please complete the form below and press submit. If you have a copy of the underlying contract with the proposed vendor, please upload a copy of the contract with your request. Fields with an asterisk (\*) are required.

The USF Privacy & Healthcare Civil Rights Compliance Department will contact you if we need further information and let you know when this process has been completed. Typically, the turnaround time on getting a signed BAA in place (depending on language request changes) is 14 business days. Please let us know if this is a rush so we can determine if a quicker turnaround time is possible. If you have questions, please contact us at 813-974-2222 or email our office at [Privacy@usf.edu](mailto:Privacy@usf.edu)

Thank You

\* = Required Field

<b>Name of Business Associate (BA) *</b>	<input type="text"/>
If this BA will be associated with one specific facility, select it here. Otherwise, leave blank	-- Select a Facility -- <input type="button" value="v"/>
<b>BA Type - select the most appropriate choice *</b>	<input type="text"/> <input type="button" value="v"/>
Provide a brief description of the services provided by this BA that involves the use, transmittal or storage of PHI *	<input type="text"/>
<b>BA Website Address (optional)</b>	<input type="text"/>

<b>BA Primary Contact (used for legal notification) *</b>	<b>BA Secondary Contact (optional)</b>
<b>Name *</b> <input type="text"/>	<b>Name</b> <input type="text"/>
<b>Title / Dept</b> <input type="text"/>	<b>Title / Dept</b> <input type="text"/>
<b>Email *</b> <input type="text"/>	<b>Email</b> <input type="text"/>
<b>Phone number *</b> <input type="text"/>	<b>Phone number</b> <input type="text"/>
<b>Fax number</b> <input type="text"/>	<b>Fax number</b> <input type="text"/>
<b>Address *</b> <input type="text"/>	<b>Address</b> <input type="text"/>
<input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>
<input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>

Attach Proposed BA Agreement from Vendor (optional)  No file chosen

Attach Proposed or Current General Business Agreement (optional)  No file chosen

Provide any additional information about this BA or BA Agreement (optional)

**Requested By** Enter "N/A" if not applicable

<b>Name *</b> <input type="text"/>	<b>Email *</b> <input type="text"/>	<b>Phone Number *</b> <input type="text"/>	<b>Title / Dept *</b> <input type="text"/>
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## The BAA Process:

- Once you complete the request form, our office receives an alert via CompliancePro that you have submitted a BAA request.
- Next the BAA is drafted/reviewed by my office.
- BAA is then sent to vendor via email to review/sign (USF requestor is copied on that email).
- BAA is signed by the vendor or edits are requested by the vendor. Negotiation of terms then takes place – days/weeks.
- Once vendor approves and signs, my office then sends the BAA via DocuSign to the approved USF signor.
- Fully executed BAA is then emailed by my office to the vendor and the USF requestor is copied on that email. Copy of BAA is then uploaded into CompliancePro where it may be produced in case of audit under HIPAA. All BAAs are maintained by my office in compliance with HIPAA.



## Contact Information:

If you have any questions regarding the BAA process, please reach out to our office:

### **Privacy & Healthcare Civil Rights Compliance**

**Barbara Wolodzko, Privacy Officer**

[bwolodzko@usf.edu](mailto:bwolodzko@usf.edu)

974-7413

**Ben Johnson, Privacy Analyst**

[benjaminj1@usf.edu](mailto:benjaminj1@usf.edu)

974-8093

**Privacy Helpline: 813-974-2222**