

## URI HIPAA SECURITY POLICY #9

<b>Title:</b>	<b>BUSINESS ASSOCIATE CONTRACTS AND OTHER ARRANGEMENTS</b>	<b>Purpose &amp; Background</b>	<b>See Memo Entitled "HIPAA at URI: Introduction to HIPAA and an Overview of HIPAA Implementation at URI" available online at the URI HIPAA website</b>
<b>Originator (Responsible Department/ Unit):</b>	<b>URI HIPAA Compliance Oversight Committee</b>	<b>Effective Date:</b>	<b>05/22/2018</b>
<b>Applies to:</b>	<b>All URI Departments and Units Designated as HIPAA "Covered Components" and "Business Associate Components"</b>	<b>Revised Date(s):</b>	

### **POLICY:**

URI Covered Components may permit a business associate to create, receive, maintain, or transmit EPHI on its behalf only if there is a written agreement between URI and the business associate that provides assurances that the business associate will appropriately safeguard the information, as required by the HIPAA Statute and Regulations, and URI's HIPAA policies.

- URI and its covered components must obtain assurances from a business associate that it will appropriately safeguard EPHI; such assurances must be documented in writing in a business associate agreement/addendum between URI and the business associate. A business associate will ensure that any subcontractors that create, receive, maintain, or transmit EPHI on behalf of the business associate agree to provide such assurances as well.
- URI workforce members shall not disclose any EPHI to a business associate, or permit a business associate to create, receive, maintain, or transmit EPHI on behalf of URI, unless the business associate has signed a business associate agreement/addendum with URI in accordance with this policy. This requirement applies to the contract or other arrangement between a business associate and a subcontractor in the same manner as such requirements apply to contracts and other arrangements between URI's Covered Components and business associates. Each business associate must ensure that its subcontractors that create, receive, maintain, or transmit PHI on behalf of the business associate agree to the same restrictions and conditions with respect to such information.
- A copy of each business associate agreement/addendum shall be retained in accordance with URI's and each covered component's customary procedures.
- Business associates are required to report to the covered component or support component any security incidents or uses or disclosures of PHI provided for in their Business Associate Agreement, as well as those which include but are broader than breaches of unsecured PHI. Business associates and their subcontractors are directly liable for compliance and must provide satisfactory assurance to URI that they make every effort to prevent and monitor breaches of PHI.

## **HIPAA REGULATORY INFORMATION**

**CATEGORY:** Administrative Safeguards

**TYPE:** Standard, plus **REQUIRED** Implementation Specification for Business Associate Contracts Standard

**HIPAA HEADING:** Business Associate Contracts and Other Arrangements; Written Contract or Other Arrangement

**REFERENCE:** 45 CFR 164.308(b)(1); 45 CFR 164.308(b)(4)

**SECURITY REGULATION STANDARDS LANGUAGE:** *"A covered entity, in accordance with § 164.306 [Security standard: General rules], may permit a business associate to create, receive, maintain, or transmit electronic protected health information on the covered entity's behalf only if the covered entity obtains satisfactory assurances, in accordance with § 164.314(a) [Business associate contracts and other arrangements] that that the business associate will appropriately safeguard the information."*