

Business Associate Policy

Status: Published
Origination Date: 4/03, 4/06, 7/06, 6/09, 10/09, 2/10, 2/13, 4/13, 9/13
Effective Date: 9/2013
Next Review: 9/2016

Introduction

This is an OPTIONAL section. Include a brief description of the purpose and/or other background topics related to the Policy. This section would typically be 1 to 2 sentences.

Definitions

Business Associate: A person or organization who performs on behalf of the DHE, but not as part of its workforce, a function or activity involving access to protected health information.

Business Associate Agreement: A contractual agreement developed by the Office of Counsel that describes the expectations for and obligations of a Business Associate with respect to protecting the privacy and security of protected health information entrusted to them by the DHE.

Duke Health Enterprise (DHE)

The Duke Health Enterprise includes Duke's Affiliated Covered Entity and the Organized Health Care Arrangement that covers the following entities: Duke University Health System, Duke University Hospital, Duke Regional Hospital, Duke Raleigh Hospital and corresponding medical staffs, Duke University Affiliated Physicians (aka Duke Primary Care), Private Diagnostic Clinic, PLLC, Duke Home Care and Hospice, Duke Connected Care, Associated Health Services, Inc., (dba Davis Ambulatory Surgical Center), Patient Revenue Management Organization, LLC, Duke University School of Medicine, Duke University School of Nursing, Duke Clinical Research Institute, Sexual Assault Support Services, Personal Assistant Services, Counseling and Psychological Services (CAPS), Duke University Student Health, Duke University Police Department, and Live for Life.

Entity: A separately administered unit within the DHE such as Duke Hospital, Duke Regional Hospital, School of Medicine or Private Diagnostic Clinic.

Privacy Director: A person in the DHE whose official duties include directing the information privacy activities for a DHE entity.

Security Director: A person in the DHE whose official duties include directing the information security activities for a DHE entity.

Protected Health Information: Individually identifiable health information in any form (paper, electronic, oral) that is transmitted and/or stored by a covered entity or business associate.

Required Resources

This is an OPTIONAL section. This section lists equipment and supplies necessary to perform procedures or activities. Forms, agreements, equipment, supplies, etc...

Policy

Any component of the Duke Health Enterprise (DHE) will enter into and maintain a Business Associate agreement with any person or organization that is a Business Associate to assure that the Business Associate will safeguard and protect the integrity, availability and confidentiality of protected health information.

Any individual authorized to contract for components of the DHE, or who enters into any form of relationship on behalf of one of the components of the DHE in which protected health information is exchanged or in which another person or organization, other than another treating provider, has access to protected health information is responsible for assuring that a Business Associate Agreement is executed. The standard Business Associate Agreement (see attached) or such other form or language as approved by Counsel's Office will be used. The DUHS Privacy Officer should be contacted if there are any questions as to whether a Business Associate Agreement is required.

Any DHE workforce member who believes that a Business Associate has violated any provision of the Business Associate Agreement will report that violation to the DUHS Privacy Officer.

DHE will take corrective action, up to and including termination of the service contract, if it becomes known that a Business Associate is not fulfilling its obligations under the Business Associate Agreement.

References

HIPAA: Security

E. Administrative Safeguard (164.308)

Assigned Security Responsibility

(a)(2) Authority and Responsibility for the Information Security Program

HIPAA: Privacy

HIPAA Privacy Regulation

164.504e Uses and Disclosures –

- Organizational Requirements –

- Business Associate Contracts - Standard

| | |
|---------------------|---|
| Owner: | DUHS Chief Compliance Officer |
| Category: | Administrative Clinical Environmental |
| Domain: | |
| Application: | All Duke Medicine Entities |
| Audience: | All Duke Medicine Workforce |