



CHIA

AHIMA Affiliate

California Health
Information Association

Release of Information in California: **Business Associates**

SAMPLE

E-book Series, 8 of 12

The Release of Information (ROI) in California is a series of 12 E-books that will help you navigate and understand the complex state and federal laws, as well as best practices related to managing and releasing protected health information. The ROI E-book series contains content that falls under HIPAA, federal regulations, and is specific to California state laws.

Copyright © California Health Information Association
All Rights Reserved.

Release of Information in California: E-book Series is published by California Health Information Association (CHIA), an American Health Information Management Association (AHIMA) affiliate

Printed in the United States of America

Copyright © California Health Information Association.

All rights reserved.

No part of this E-book may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical photocopying, recording, or otherwise (with the exception of the forms, tables and appendices), without the prior written approval of the publisher. It is the intent of CHIA to strictly enforce this copyright.

This E-book is designed to produce accurate and authoritative information with regard to the subject matter covered. It is sold with the understanding that CHIA is not engaged in rendering legal service. This E-book should not be viewed as legal advice or take the place of advice provided by a health care provider's legal counsel. If legal or other expert assistance is required, the services of a competent professional person should be sought. If there are differences of opinion, or where the law is unclear, a provider should consult its own legal counsel.

SAMPLE

California Health Information Association
1915 North Fine Avenue, Suite 104
Fresno, California 93727-1565
T: (559) 251-5038
F: (559) 251-5836
E-mail: Info@CaliforniaHIA.org

For more information, visit www.CaliforniaHIA.org

Table Of Contents

Acknowledgments II

ROI E-book SeriesIII

ForwardIV

Business associate relationships..... 1

 Definition 1

Business associate functions 1

Examples of business associates..... 1

Who is not a business associate..... 2

Privacy and Security Rule requirement for business associate agreements 2

Exceptions to requirement for business associate agreement 3

Violation of business associate agreement 3

References 4

Self Assessment Quiz 5

SAMPLE

Acknowledgements

The California Health Information Association (CHIA) Board of Directors extends its appreciation for the development of this E-book to:

Instructor

Anita Buescher, RHIA, CHP, is the Corporate Privacy Officer for Sutter health, a health care network of over 25 acute care facilities, associated medical foundations, home health agencies, and skilled nursing facilities. Her experience includes both individual site and regional management responsibilities for hospital HIM departments and system-wide HIM consulting activities. Anita is also a proud Past President of the California Health Information Association and recipient of the CHIA Professional Achievement and Literary Awards.

The CHIA Board of Directors also extends their appreciate to the CHIA Online Education Committee who has secured and reviewed these e-books over the years, volunteering their time, effort and input as they reviewed drafts of the e-books as an editorial board. And special thanks to Gayle Old-Smith, RHIA, CHIA Copy Editor, who spent many hours diligently reviewing this E-book.

SAMPLE

Release of Information in California E-book Series

The Release of Information (ROI) in California is a series of 12 E-books that will help you navigate and understand the complex state and federal laws, as well as best practices related to managing and releasing protected health information. The ROI E-book series contains content that falls under HIPAA, federal regulations, and is specific to California state laws.



Each ROI E-book includes an overview of the topic and extensive references. **Self Assessment Quizzes** are designed in multiple-choice and true/false format, and assess your understanding of the subject matter. A link to the Quiz is provided with each purchased E-book, and corrected answers will be displayed so you can receive automatic feedback.



Upon completion of the Self Assessment Quiz, a **Certificate of Completion (CEU)** will be made available to download and print. You will not be able to access the Certificate after exiting the Quiz, so be sure to download it immediately and retain as evidence of the earned continuing education.

Product Code	Release of Information in California:	CEU's Offered
E-book 001	Introduction **	Two
E-book 002	General Releases	Two
E-book 003	Medical Records and the Court System	Three
E-book 004	Workers Compensation	Three
E-book 005	Elder, Dependent Adult and Child Abuse	Two
E-book 006	Coroner's Office	Two
E-book 007	Public Health Agencies	Two
E-book 008	Business Associates	Two
E-book 009	Government Agencies	Two
E-book 010	Inmates	Two
E-book 011	Law Enforcement	Two
E-book 012	Special Health Records	Two

** CHIA recommends you read the *Release of Information in California: Introduction* E-book first. This E-book is offered at no charge and includes the "Glossary of Terms" that is used in all subsequent ROI E-books.

Additional CHIA Resources

To view sample pages or purchase these E-books, or to view more details about CHIA's publications and Webinar Replays, visit www.CaliforniaHIA.org/Resources

Forward

The purpose of this E-book is to provide accurate and authoritative information on proper and adequate disclosure of health information. The California Health Information Association (CHIA) is not engaged in rendering legal services, and providing legal advice is beyond the scope and intent of the E-books.

Release of Information in California: Business Associates

This E-book discusses the requirements for business associate relationships as defined by the HIPAA Privacy Rule, 45 CFR §164.502(e)(1) and the HIPAA Security Rule, 45 CFR §164.308(b), and §164.314. This e-book defines a business associate, discusses exceptions to who is a business associate, reviews the requirements of a business associate agreement and discusses the consequences of violating a business associate agreement.

Student Learning Outcomes and Objectives

Upon completion of the *Release of Information in California: Business Associates* E-book, students will be able to:

- Understand the importance of maintaining the confidentiality of patient records and protected health information (PHI) and what PHI may be released upon request.
- Understand and appreciate the complexities and responsibilities inherent in releasing protected health information to internal and external requestors.
- Articulate the importance of releasing-patient specific health information according to current laws and regulations.
- Differentiate between the different state of California and federal laws regulating release of patient specific information and apply them appropriately in all situations.
- Utilize resources to maintain current competencies and keep abreast of changing requirements.
- Define a business associate.
- Describe the requirements of a business associate agreement.
- Understand the exceptions to business associate requirements.
- Discuss the consequences of violating a business associate agreement.

Release of Information in California: Business Associates

Business associate relationships

Definition

Business associate rules apply to “covered entities” as defined by the HIPAA Privacy and Security Rules. A business associate relationship exists when an individual or third-party, who is not a member of the workforce of a covered entity, receives, creates, uses, or discloses protected health information (PHI) in the course of performing a service on behalf of the covered entity. Workforce members are employees, volunteers, trainees, and other persons whose conduct, in the performance of work for a covered entity, is under the direct control of such entity, whether or not they are paid by the covered entity. A member of the workforce is not considered a business associate.

Disclosures to business associates must be limited to the information needed to perform the service for the associate has been contracted. This is called the “minimum necessary” amount of protected health information.

A health care provider, health plan, or health care clearinghouse must obtain a written agreement that the individual or third-party will protect this health information. This written agreement is called a business associate agreement or contract.

A covered entity may permit a business associate to create, receive, maintain, or transmit PHI in electronic form only if the covered entity obtains satisfactory assurances in the business associate agreement that the business associate will implement reasonable physical, technical, and administrative safeguards to protect the electronic PHI.

Business associate functions

Examples of business associate functions identified by the HIPAA Privacy Rule include claims processing or administration, data analysis and data aggregation, utilization review, quality assurance, billing, benefit management, physician office practice management, and claims re-pricing. Also included are legal, actuarial, accounting, consulting, administrative, management, accreditation, and/or financial services. These are examples and are not a full list of activities that could be provided by a business associate.

Examples of business associates

The following are examples of business associate relationships:

- A transcription or coding vendor providing contracted services to a hospital.
- Accreditation agency use of PHI for review activities (e.g., JCAHO).
- Attorneys requiring access to PHI for the provision of legal representation to a covered entity.