



Pennsylvania Hospital & Surgery Center ADMINISTRATIVE POLICY MANUAL	Page 1 Effective: 0408
SUBJECT: BUSINESS ASSOCIATES POLICY NUMBER: HIP4	

Issued:

POLICY

For purposes of this policy, Pennsylvania Hospital includes all off campus licensed facilities, including but not limited to the Surgery Center of Pennsylvania Hospital.

Pennsylvania Hospital may disclose Protected Health Information (PHI) to a business associate and may allow such individual or organization to create or receive such information on its behalf if Pennsylvania Hospital obtains satisfactory assurances that the business associate will appropriately safeguard the information. The HIPAA privacy regulations require satisfactory assurances to be provided in the form of a business associate agreement that contains certain elements specifically enumerated in the regulations.

PURPOSE

It is the purpose of this policy to identify the process by which PHI can be appropriately released to business associates, and the mechanism for developing and maintaining contractual agreements with business associates regarding their responsibilities under the HIPAA privacy regulations.

SCOPE

This policy applies to all business associates of Pennsylvania Hospital.

IMPLEMENTATION

It is the responsibility of all workforce members of Pennsylvania Hospital who deal with business associates to implement this policy. For purposes of this policy, workforce includes employees, volunteers, trainees and other persons whose work performance is under the direct control of Pennsylvania Hospital, whether or not they are paid by Pennsylvania Hospital.

DEFINITIONS

Protected health information (PHI) is information that is created or received by UPHS and the School of Medicine, and relates to the past, present, or future physical or mental health or condition of a patient; the provision of health care to a patient; or the past, present, or future payment for the provision of health care to a patient; and that identifies the patient or for which there is a reasonable basis to believe the information can be used to identify the patient. PHI includes information of persons living or deceased. The following components of a patient's information also are considered PHI: a) names; b) street address, city, county, precinct, zip code; c) dates directly related to a patient, including birth date, admission date, discharge date, and date of death; d) telephone numbers, fax numbers, and electronic mail addresses; e) Social Security numbers; f) medical record numbers; g) health plan beneficiary numbers; h) account numbers; i) certificate/license numbers; j) vehicle identifiers and serial numbers, including license plate numbers; k) device identifiers and serial numbers; l) Web Universal Resource Locators (URLs); m) biometric identifiers, including finger and voice prints; n) full face

Committee Approval:
HIPAA

Administrative Policy
Review Committee:
April 2003
April 2004
April 2005
April 2006
April 2007
April 2008

Attachment(s):
[Link to Intranet
Algorithm](#)

Related Policies:

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photographic images and any comparable images; and o) any other unique identifying number, characteristic, or code.

PROCEDURE

1. Business associates

- a) Individuals or organizations working for or on behalf of Pennsylvania Hospital, where the provision of services by the individuals or organizations involves the disclosure of PHI from Pennsylvania Hospital.
- b) There are two types of business associates:
 - i) those that perform (or assist in performing) functions or activities, and
 - ii) those that perform specified services (certain services specifically set forth in the HIPAA privacy regulations and listed in Section 2(b) of this Policy).
- c) A business associate can include other covered entities (as defined by the HIPAA privacy regulations) such as other healthcare providers or health plans that perform business associate functions for or on behalf of Pennsylvania Hospital.

2. Activities Which Necessitate a Business Associate Agreement

- a) A person or entity performing any of the following activities for or on behalf of Pennsylvania Hospital would necessitate a business associate agreement:
 - i) claims processing or administration, ii) repricing, iii) benefit management, iv) data analysis, processing or administration, v) utilization review, vi) billing, vii) practice management, viii) accreditation services, ix) financial services, x) legal services, xi) quality assurance
- b) Additionally, a person or entity performing any of the activities listed below, other than as part of Pennsylvania Hospital's workforce, would necessitate a business associate agreement:
 - i) accounting, ii) legal, iii) accreditation, iv) consulting, v) administrative, vi) financial, vii) actuarial, viii) management, ix) data aggregation

3. Identifying Business Associates of Pennsylvania Hospital

The linked algorithm should be utilized to assist in determining whether an individual or organization is a business associate of Pennsylvania Hospital:

- a) If the individual or organization is performing or assisting in the performance of a function or activity that is likely to necessitate access to PHI then it is a business associate of Pennsylvania Hospital (subject to the exceptions set forth in Section 5 of this policy).

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b) If the individual or organization is providing any of the specified services (set forth in Section 2 of this policy) to Pennsylvania Hospital that is likely to involve the disclosure of PHI then it is a business associate of Pennsylvania Hospital (subject to the exceptions set forth in Section 5 of this policy).

4. Business Associate Agreements Requirement

a) Pennsylvania Hospital may disclose PHI to a business associate and may allow such individual or organization to create or receive such information on its behalf if Pennsylvania Hospital obtains satisfactory assurances that the business associate will appropriately safeguard the information. The HIPAA privacy regulations require satisfactory assurances to be provided in the form of a business associate agreement that contains certain elements specifically enumerated in the regulations.

b) Pennsylvania Hospital is responsible for negotiating and obtaining executed business associate agreements and for keeping business associate agreements on file.

5. Exceptions. Exceptions to the rules regarding business associates include:

a) Organizational structure: Entities that are part of Penn Medicine, including the University of Pennsylvania Health System and parts of the School of Medicine have been designated as affiliated covered entities and do not constitute business associates of Pennsylvania Hospital.

b) Members of Pennsylvania Hospital's workforce

c) Treatment purposes: Disclosures between Pennsylvania Hospital and healthcare providers including unaffiliated health care providers for treatment purposes do not require a business associate agreement.

d) Processing consumer financial transactions by means of a financial institution. Disclosure between Pennsylvania Hospital and a financial institution for purposes of processing certain consumer financial transactions (generally routing banking transactions such as processing or collecting a payment made by an individual to Pennsylvania Hospital do not require a business associate agreement.

6. Duties in the Event of a Business Associate's Breach of Business Associates Agreement:

a) Any information regarding a possible breach or violation of privacy by a business associate, report to privacy officer immediately upon obtaining such information.

b) The privacy officer, working with the Office of the General Counsel, will investigate and determine whether there is in fact substantial evidence of a breach and whether the breach or violation may be cured or whether it is necessary or feasible to terminate the

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agreement with the business associate or take other requisite action. All terminations must be reviewed and approved by the Office of the General Counsel.

c) If it is not possible to terminate the business associate agreement, the situation must be reported by the entity privacy officer in conjunction with the Office of the General Counsel, to the U.S. Secretary of the Department of Health and Human Services.

/s/Kathleen Kinslow
Kathleen Kinslow, CRNA, EdD, MBA
Executive Director

05/05/08
Date

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