

Independent Living Association, Inc.; ILA Case Management Services, Inc. Disclosures to Business Associates

Purpose

To comply with HIPAA requirements regarding its business associates.

Policy

ILA will comply with all privacy rules related to its business associates.

Procedure

1. ILA may disclose Protected Health Information (PHI) to business associates and may allow a business associate to create or receive protected health information on its behalf, where necessary, if it obtains the appropriate written agreement.
2. The agreement will comply with all relevant provisions of 45 C.F.R. §164.504 (e)(1). A sample agreement is attached to this policy.
3. A business associate is a person or entity who on behalf of ILA (but other than in the capacity of a member of the workforce of ILA creates, receives, maintains, or transmits protected health information for a function or activity, including claims processing or administration, data analysis, processing, or administration, utilization review, quality assurance, patient safety activities, billing, benefit management, practice management or repricing; or

Provides, other than in the capacity of a member of the workforce of ILA, legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services to or for ILA, where the provision of the service involves the disclosure of protected health information from ILA, including a health information organization and business associate subcontractor.
4. If ILA knows or learns of a pattern, activity or practice that constitutes a material breach or violation of an obligation of a Business Associate under any relevant agreement, ILA shall demand the Business Associate cure the breach or end the violation, as applicable, and follow termination provisions of the relevant Business Associate Agreement with advice of counsel and the **[Executive Director or Chief Executive Officer]**. All staff are required to notify the HIPAA Privacy Officer of any potential breach or violation by a Business Associate of which he or she becomes aware.
5. Releases of PHI for treatment purposes do not create business associate relationships and no business associate agreement is required for a release for treatment purposes.