

Business Associate Agreements: IMMEDIATE NEXT STEPS

Create and/or revise Business Associate Agreement (BAA)/Subcontractor BAA templates.

- ❑ Review arrangements to identify those subject to HIPAA.
- ❑ Determine your role within the arrangement (Covered Entity (CE) vs. Business Associate (BA) vs. Subcontractor).
- ❑ Incorporate HIPAA Omnibus Final Rule updates into your template.
- ❑ Conduct preemption analysis and include applicable state laws in your template.
- ❑ Incorporate relevant additional considerations into your template.

Identify existing BAAs/Subcontractor BAAs.

- ❑ For each existing contract, determine which HIPAA Omnibus Final Rule deadline applies: General (September 23, 2013) or Transition Rule (September 22, 2014).

Renegotiate existing BAAs/Subcontractor BAAs.

- ❑ Renegotiate contracts subject to the September 23, 2013 deadline first.
- ❑ Renegotiate remaining contracts subject to the September 22, 2014 deadline.

Create BAA/Subcontractor BAA Policy.

- ❑ Outline the required content for BAAs.
- ❑ Define internal process and responsibilities for:
 - Determining and initiating business associate/subcontractor status.
 - Signing BAAs/Subcontractor BAAs.
 - Tracking and maintaining signed BAAs/Subcontractor BAAs.
 - Updating contracts pursuant to regulatory or organizational changes.
- ❑ Attach the current BAA and/or Subcontractor BAA template to your policy.
- ❑ Train appropriate staff members on their responsibilities under the policy.
- ❑ Implement the policy.