

HIPAA Associate's Agreement

Problems:

- Required by HIPAA Regulations:
 - 45CFR164.502
 - 45CFR314(a)(2)(i)
 - 45CFR308(a)(8)(b)(1) – PHI transmitting vendors
- HITECH Act section 13401 (a) & (b) {refers back to HIPAA regs}
- Long full of legal talk, doesn't clearly spell out what the intention is.
- A non-medical contractor may not have any idea what PHI is and why it matters

Solution:

- Pre-written agreement (covers 95%+ of all situations)
- 3 “short” pages
- PHI Brief – explains in “layman's” terms what PHI is and how a contractor should deal with a situation of coming across PHI. This brief can be accomplished in 5 minutes.
- Office-wide license
- Reduces office risk by having all contractors sign and understand.

Obvious “associates”:

- IT contractor
- Transcription company
- CPA
- Billing agency

Less obvious “associates”:

- Software vendors (they generally have unfettered access to computer system)
- Document shredding contractors
- Any other business support contractor who has access to PHI either by computer or physical (on site) access.

Non-Medical contractors:

There is a whole slew of contractors that keep an office going. These contractors are generally not aware of HIPAA nor are they aware of PHI or even Patient Health Information. These can be especially dangerous in that, IF they come across PHI and read it, then talk about it to their friends...they've just generated a HIPAA violation without know it, and...ignorance of the law does not make it legal.

- Cleaning crew
- Plumber
- Electrician
- Exterminator
- Etc.

The challenge here ensuring they get a quick brief on what this Associate's agreement actually means. This is where our PHI Brief comes in. This is a 1 page “brief” that the office HIPAA Manager should give to each contractor that comes in the office beyond the waiting room door.