



Oklahoma State University

Title: Other Requirements for Contracts and Other Arrangements	Policy #: PRV-02.03
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTIONS: 164.504(e)(4)
Standard: Uses and disclosures: Organizational Requirements	Responsibility: Health Care Components
Effective Date: 4/14/2003	Page 1 of 2
Approved By: OSU Legal Counsel	Revised: 7/1/2013

PURPOSE:

To establish what other requirements OSU has to abide by and what conditions may satisfy the requirement of having a Business Associate Contract or other arrangement.

POLICY:

The contract or other arrangement between OSU and the business associate may permit the business associate to use the protected health information received by the business associate in its capacity as a business associate to OSU, if necessary: §164.504(e)(4)(i)

1. For the proper management and administration of the business associate; or §164.504(e)(4)(i)(A)
2. To carry out the legal responsibilities of the business associate. §164.504(e)(4)(i)(B)

The contract or other arrangement between OSU and the business associate may permit the business associate to disclose the protected health information received by the business associate in its capacity as a business associate for the purposes described in the first paragraph of this policy, if: §164.504(e)(4)(ii)

1. The disclosure is required by law; or §164.504(e)(4)(ii)(A)
2. The business associate obtains reasonable assurances from the person to whom the information is disclosed that it will be held confidential and used or further disclosed only as required by law or for the purposes for which it was disclosed to the person; and §164.504(e)(4)(ii)(B)(1)
3. The person notifies the business associate of any instances of which it is aware in which the confidentiality of the information has been breached. §164.504(e)(4)(ii)(B)(2)

PROCEDURE:

OSU will have language in the business associate agreement, or other arranged legal document that will allow for the business associate to conduct for their proper management and administration and to carry out the legal responsibility of their entity.

OSU will also have language that requires the business associate to obtain reasonable assurances from any downstream contractor or subcontractor or other to whom the business associate discloses information that the information will be held in confidence, and should any breach of confidentiality occur the downstream entity would follow appropriate breach notification protocols.



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REFERENCE:

§160.103 Definition of Business Associate