



## Oklahoma State University

<b>Title: Effect of Prior Contracts or Other Arrangements with Business Associates</b>	<b>Policy #: PRV-14.02</b>
<b>Category: HIPAA Compliance</b>	<b>Authority: 45 CFR § HIPAA SECTION: 164.532(d)</b>
<b>Standard: Effect of Prior Contracts or Other Arrangements with Business Associates</b>	<b>Responsibility: Health Care Components</b>
<b>Effective Date: 4/14/2003</b>	<b>Page 1 of 2</b>
<b>Approved By: OSU Legal Counsel</b>	<b>Revised: 7/1/2013</b>

### PURPOSE:

To establish the effect of prior contracts with Business Associates before the compliance date.

### POLICY:

1. *Effect of prior contracts or other arrangements with business associates.* Notwithstanding any other provisions of this part, OSU, or business associate with respect to a subcontractor, may disclose protected health information to a business associate and may allow a business associate to create, receive, maintain, or transmit protected health information on its behalf pursuant to a written contract or other written arrangement with such business associate that does not comply with §§ 164.308(b), 164.314(a), 164.502(e), and 164.504(e), only in accordance with paragraph (2) of this policy. §164.532(d)
2. Deemed Compliance – §164.532(e)
  - a. Qualification - Notwithstanding other sections of this part, a covered entity, or business associate with respect to a subcontractor, is deemed to be in compliance with the documentation and contract requirements of §§ 164.308(b), 164.314(a), 164.502(e), and 164.504(e), with respect to a particular business associate relationship, for the time period set forth in paragraph (2)(b) of this policy, if: §164.532(e)(1)
    - i. Prior to January 25, 2013, OSU, or business associate with respect to a subcontractor, has entered into and is operating pursuant to a written contract or other written arrangement with the business associate that complies with the applicable provisions of §§ 164.314(a) or 164.504(e) that were in effect on such date; and §164.532(e)(1)(i)
    - ii. The contract or other arrangement is not renewed or modified from March 26, 2013, until September 23, 2013. §164.532(e)(1)(ii)
  - b. Limited Deemed Compliance Period - A prior contract or other arrangement that meets the qualification requirements in paragraph (2) of this policy shall be deemed compliant until the earlier of: §164.532(e)(2)
    - i. The date such contract or other arrangement is renewed or modified on or after September 23, 2013; or §164.532(e)(2)(i)
    - ii. September 22, 2014. §164.532(e)(2)(ii)



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3. Covered Entity Responsibilities - Nothing in this section shall alter the requirements of OSU to comply with part 160, subpart C *Compliance and Investigations* §§ 164.524, 164.526, 164.528, and 164.530(f) with respect to protected health information held by a business associate. §164.532(e)(3)
4. Effect of Prior Data Use Agreements - If, prior to January 25, 2013, OSU has entered into and is operating pursuant to a data use agreement with a recipient of a limited data set that complies with § 164.514(e), notwithstanding § 164.502(a)(5)(ii), OSU may continue to disclose a limited data set pursuant to such agreement in exchange for remuneration from or on behalf of the recipient of the protected health information until the earlier of: §164.532(f)
  - a. The date such agreement is renewed or modified on or after September 23, 2013; or §164.532(f)(1)
  - b. September 22, 2014. §164.532(f)(2)

### **PROCEDURE:**

1. OSU will keep all of its Business Associate Agreements and other contracts or arrangements up to date and within the time frame specified in the policy above.