**PROCEDURE STATEMENT:**

Health Quest Systems, Inc. and its affiliates ("HQ") will obtain Business Associate Agreements ("BAA") as required by HIPAA.

**PROCEDURE:**

A. Determining Need for a BAA

During the contracting process, HQ will assess prospective vendor/business relationships to determine if a Business Associate ("BA") relationship exists utilizing the following criteria:

1. The vendor’s staff members are not members of HQ’s Workforce; and
2. The vendor is performing a function or activity for or on behalf of Health Quest; and
3. That function or activity involves the creation, receipt, maintenance, transmission, access, storage, use, or disclosure of Protected Health Information ("PHI").

When the determination is made that a BA relationship exists, the contract owner will supply the HQ BAA to the BA for signature. Requested modifications to the HQ BAA or BAAs supplied by the vendor will be referred to HQ Legal Services Department to determine whether the terms are reasonable and meet all legal requirements before signing.

B. Document Retention

Executed BAAs shall be retained in the appropriate contract management software in accordance with the HQ Document Retention and Destruction Policy.

C. Monitoring

With each vendor/business relationship, HQ considers to what extent it should to review and monitor the activities of its BA to ensure compliance with the terms of the BAA and the HIPAA Privacy Rule, including adequate safeguarding of PHI/ePHI.

D. Termination

The BAA shall be effective for the length of the relationship between the BA and HQ, unless otherwise terminated under the provisions outlined in the BAA. Upon termination of the BA relationship, the responsible contract owner, in conjunction with the Privacy Officer shall confirm that return/destruction requirements are completed by the BA as outlined in the BAA.
DEFINITIONS: See HIPAA Glossary

REFERENCES:
45 CFR § 164.308(b)(1) – Security Rule Administrative Safeguards: Business Associate Contracts and Other Arrangements
45 CFR § 164.314 – Security Rule: Organizational Requirements Business Associate Contracts or Other Arrangements
45 CFR § 164.410 – Breach Notification: Rule Notification by Business Associates
45 CFR §§ 164.502(a)(3)-(5) and (e)(1) – Privacy Rule Uses and Disclosures of Protected Health Information: General Rules and Disclosures to Business Associates
45 CFR §§ 164.504(e)(1)-(5) – Privacy Rule Uses and Disclosures Organizational Requirements: Business Associate Agreements and Business Associate Agreements with Subcontractors
HQ 5.2.16 HIPAA Business Associate Agreement Policy
HQ 5.1.06 Document Retention and Destruction Policy

POLICY HISTORY:
Supersedes: 2/13/2019
Original Implementation Date: 2/13/2019
Date Reviewed: 2/28/2020
Date Revised: 2/13/2019, 2/28/2020

APPROVAL:

[Signature]

Procedure Owner

[Date]