SECTION 8:   **SPECIAL COMMODITY PROCEDURES**

SUBJECT: **HIPAA BUSINESS ASSOCIATE AGREEMENTS**   **Procedure #8.22**

POLICY: The University of Washington has a standard HIPAA[1] Business Associate Agreement[2] that vendors must sign if the vendor will have access to Protected Health Information (PHI) as part of fulfilling its contract with the University.[3] The BAA is required by federal law (HIPAA) and prohibits unauthorized access, use and disclosure of PHI[4] by a vendor.

PROCEDURE: The BAA is required whenever the vendor will have access to or be performing activities involving the use of PHI. PHI is healthcare information created by a healthcare facility, provider or other healthcare entity that relates to the patient's healthcare, health, condition or payment and which can or could potentially be used to identify the patient.

PHI is most commonly associated with contracts for the UW Medical Center (UWMC) or other UW Medicine entities, but it may arise in any area in which patient data is, or may be, accessed.

The vendor should be required to sign the BAA when signing a contract with the University, and prior to beginning any work that may involve PHI. The University of Washington general terms and conditions incorporate the BAA by reference, however, it is still critical to require that vendors sign the actual BAA document.

Generally, information protected by HIPAA will also be Confidential Data for the purposes of the Data Security Agreement (DSA),[5] and the vendor should also be required to sign a DSA.

Failure to execute a Business Associate Agreement with a vendor when the vendor will access PHI can result in severe consequences for the University, including jeopardizing the University's significant federal funding.

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[1] The Health Insurance Portability and Accountability Act
[2] Available at: http://f2.washington.edu/fm/ps/supplier-information/terms-and-conditions
[3] See UW Terms and Conditions #41
[4] Defined in 45 CFR Parts 160 and 164
[5] See Policy 8.21