Policy Number: HC-16	Page: 1	Of: 1
Title: CONFIDENTIALITY POLICIES FOR SUPERVISORS--Business Associate Contracts		
Regulatory Authority: HIPAA Regulations, FERPA Regulations, ORC, OAC		
Effective Date: 01/19/2021		
Reviewer/Job Title: Director of Operations		

(A)CONFIDENTIALITY POLICIES FOR SUPERVISORS--Business Associate Contracts
HCBDD will obtain satisfactory assurance that Business Associates will appropriately safeguard PHI by maintaining appropriate HIPAA Business Associate agreements or MOUs.

REFERENCES:

45 CFR 160.103

45 CFR § 164.502(e)

45 CFR § 164.504(e)

ORC § 5126.044 – Ohio Statute on confidentiality of records

1) **Business Associate Contract or Memorandum of Understanding.** HCBDD will have a written Business Associate Contract with every Business Associate. For a COG or other government agencies, a Memorandum of Understanding will be executed. See Appendix A Identifying Business Associates.
2) **Annual Review of all Contractual Relationships.** On an annual basis, the HIPAA Privacy Officer will review all contractual relationships to and verify that up-to-date Business Associate contracts are in place.
3) **Satisfactory Assurances.** The Business Associate Contract will provide satisfactory assurances that the Business Associate will not use or disclose the PHI of HCBDD individuals receiving services other than as provided in the Business Associate Contract. The Business Associate Contract will conform to both the requirements of the HIPAA regulations. See Appendix B - Sample HIPAA Business Associate Agreement.
4) **Material Breach or Violation of Business Associate Contract.** In the event HCBDD learns of a pattern of activity or practice of a Business Associate that constitutes a material breach or violation of the Business Associate Contract, HCBDD will take steps to cure the breach or end the violation. If HCBDD is unable to cure the breach or end the violation, HCBDD will terminate the Business Associate Contract.