



## PLUMAS COUNTY, CALIFORNIA

### HIPAA RELATED POLICIES AND PROCEDURES

EFFECTIVE APRIL 14, 2003

#### USE OF BUSINESS ASSOCIATE CONTRACTS

**Policy:**

The written contracts Plumas County enters into with business associates will protect the privacy of individual protected health information.

**Purpose:**

The Privacy Rule allows disclosures to business associates. Plumas County may disclose protected health information to a business associate and may allow a business associate to create or receive protected health information on the County's behalf, if Plumas County obtains satisfactory assurance that the business associate will appropriately safeguard the information.

**Responsibilities:**

Plumas County must document the satisfactory assurances through a written contract or other written agreement with a business associate.

Plumas County is NOT required to monitor or oversee the means by which a business associate carries out privacy safeguards or the extent to which the business associate abides by the privacy requirement of the contract.

**Process:**

Plumas County will ensure that all business associates whose agreements with the County are renewed or modified after April 14, 2003, enter into new agreements that include the required language. All business associate arrangements must have agreements with the required language by April 14, 2004.

Plumas County's business contracts must contain language that prohibits the business associate from unauthorized and /or illegal use and disclosure of protected health information.

**Contract Language**

Plumas County must include the following in their business associate contracts:

- A clear description of the permitted and required uses and disclosures of protected health information.
- Language that indicates the business associate may not use or further disclose the protected health information in a manner that would violate the privacy Rule.

Plumas County must act if it knows of a pattern of activity or practice of a business associate that constitutes a breach or violation of the business associate's obligation under the contract. The County is to ensure that the business associate takes reasonable steps to cure the breach or end the violation. If these steps are unsuccessful, then Plumas County must terminate the contract or arrangement. If termination is not feasible, Plumas county must report the problem to the Office for Civil Rights with the Secretary of the U.S. Department of Health and Human Services.

Date issued: April 14, 2003  
Last revision date:

Reference: 45 CFR 164.502 and 45 CFR 164.504