**AS - (b)(1) Business Associate Contracts**

**Purpose**

A covered entity, in accordance with §164.306, may permit a business associate to create, receive, maintain, or transmit electronic protected health information on the covered entity’s behalf only if the covered entity obtains satisfactory assurances, in accordance with §164.314(a) that the business associate will appropriately safeguard the information. 164.308(b)(1)

**Guidance**

Ensure that agreements with business associates [2] contain language stating that University ePHI receives appropriate safeguards in accordance with Federal HIPAA Security Standards and the UofL HIPAA Business Associates Policy.

* Ensure that UofL-approved Business Associate Agreements (BAAs) are in place at either a System wide or local level for vendors and third-party service providers with access to UofL ePHI or to systems that contain or access ePHI.
* If a System wide BAA does not exist, one must be executed locally through UofL Procurement Services and retained in the Office of Record at SHS for six years.
* HIPAA entity procedures must include notifying Procurement Services when a HIPAA BAA is needed and when renewing an agreement with an existing HIPAA BAA.

**Written Contract or other Arrangement**

Implementation: Document the satisfactory assurances required by paragraph (b)(1) of this section through a written contract or other arrangement with the business associate that meets the applicable requirements of §164.314(a). §164.314(b)(4).