



What is a Business Associate?

A “Business Associate” is a person or entity that performs certain functions or activities that involve the use or disclosure of protected health information on behalf of, or provides services to, a covered entity.

What the HITECH Act did for Business Associates?

The Health Information Technology for Economic and Clinical Health Act (HITECH Act) is part of the American Recovery and Reinvestment Act of 2009 (ARRA). ARRA contains incentives related to health care information technology in general (e.g. creation of a national health care infrastructure) and contains specific incentives designed to accelerate the adoption of electronic health record (EHR/EMR) systems among providers.

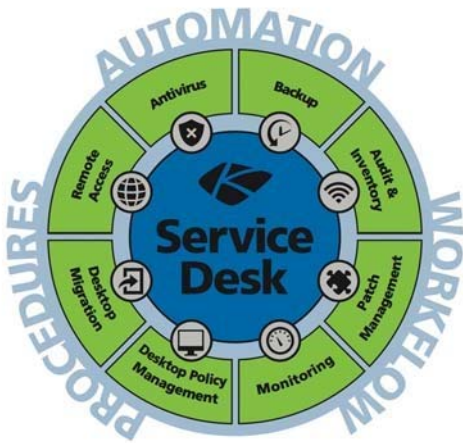
Under the HITECH Act, Business Associates are now required to comply with the safeguards contained in the HIPAA Security Rule and use and disclosure provisions of the HIPAA Privacy Rule.

Compliance verification

Below are the top 10 questions you should be asking your current IT service provider. There are numerous other questions regarding compliance however these are the ones that should have a satisfactory answer. If your current or future IT service provider cannot answer **yes** to all of these questions then both you and the provider are in violation of HIPAA compliance under the willful neglect statute.

1. Are you HIPAA compliant?
2. Does your organization have a HIPAA security officer and have they gone through formal HIPAA training?
3. Have you performed a Risk Assessment on how the organization is protecting electronic protected health information in the past year?
4. Name of organization that performed the Risk Assessment? If the Risk Assessment was performed internally please put “Internal Risk Assessment” below.
5. Do you have HIPAA Policies and Procedures?

6. Have your employees been informed about your HIPAA policies?
7. Have your employees been trained on HIPAA security in the past year? (This includes, full and part-time employees, contractors, temporary employees, etc)
8. Do you use encryption to protect electronic protected health information?
9. Do you have a documented data backup plan?
10. Do you carry a minimum one million dollar data breach insurance policy?



**HIPAA
HITECH**
Compliant

Let's face it HIPAA regulations are here to stay. There is no way around it and as a covered entity you have too much to lose not get compliant. The cost from start to finish is based on number of staff and is very affordable. The cost of doing nothing might cost you everything if you get audited and are found noncompliant. Find out how a [Healthcare Managed Services](#), (HMS), plan can get you in full compliance today!