

BUSINESS ASSOCIATE GUIDELINES

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 (Argus/ProHealth).

Business associates are people who are not employees of Argus/ProHealth who do things like:

- Claims processing or administration;
- Data analysis, processing or administration;
- Utilization review or quality assurance;
- Benefit management;

Business associate services are: legal; actuarial; accounting; consulting; data aggregation; management; administrative; accreditation; and financial.

Examples of Business Associates where you would need a Business Associate Agreement:

- A mobile diagnostic company that would come to your office and test your patients
- A CPA firm whose accounting services to a health care provider involve access to protected health information.
- An attorney whose legal services involve access to protected health information.
- A consultant that performs any kind of chart reviews.
- A health care clearinghouse that translates a claim from a non-standard format into a standard transaction on behalf of a health care provider and forwards the processed transaction to a payer.
- An independent medical transcriptionist that provides transcription services to a physician.
- A telephone answering company that receives patient information
- A printer you might give a list of patients to do a mailing

Examples of when you DO NOT NEED a Business Associate Agreement:

When you need to give patient information to:

- Another doctor who is providing treatment to the patient
- A laboratory as a condition of treatment of a patient
- The hospital treating the patient
- The patient’s health plan (for payment purposes)
- An IPA, health plan (i.e. CareMore) or medical group for treatment or payment
- A research company doing clinical trials on your patients when the patient has given written authorization to release their information or the patient information has been de-identified
- Medicare, Medi-Cal
- **With persons or organizations e.g., janitorial service or electrician, water delivery, etc. whose functions or services do not involve the use or disclosure of protected health information, and where any access to protected health information by such persons would be incidental, if at all**
- With a person or organization that acts merely as a conduit for protected health information, for example, the US Postal Service, certain private couriers, and their electronic equivalents.
- A bank for debit, credit card, check verification or normal banking of patient payments