

Operational Policy

Policy title:	Policy on the Business Associate Relationship between DHS and OHA		
Policy number:	DHS-100-013		
Original date:	11/07/2016	Last update:	03/06/2017
Approved:	Dr. Reginald Richardson, DHS Deputy Director		

Purpose

This policy is one of a series that describes Department of Human Services (DHS) requirements and expectations for the necessary collection, storage, protection, use, and disclosure of protected information about individuals in order to provide services and benefits to individuals, while maintaining reasonable safeguards to protect the privacy of information.

Description

This policy describes the responsibilities of DHS as a business associate of the Oregon Health Authority (OHA).

Applicability

This policy applies to all DHS staff including employees, volunteers, trainees and interns and all offices and business units involved with functions as a business associate for OHA.

As keepers of the public trust, all agency employees have a responsibility to comply with state and federal law, administrative rule, and agency policies. The agency takes this responsibility seriously and failure to fulfill this responsibility is not treated lightly. Employees who fail to comply with state and federal law, administrative rule, and agency policies may face progressive discipline, up to and including dismissal from state service.

Policy

1. When DHS is performing business associate functions on behalf of the covered entity components of OHA, DHS staff shall adhere to OHA privacy policies.
 - a. DHS staff performing business associate work shall review OHA's privacy policies on an annual basis, and from time to time as required by OHA complete training on OHA's privacy policies.
 - b. Upon entering employment within a business associate component of DHS, staff shall review and acknowledge acceptance of OHA privacy policies.
2. A covered entity is a health plan, health care clearinghouse, or any health care provider which transmits health information in electronic form in connection with transactions for which the Secretary of Health and Human Services (HHS) has adopted standards under the Health Insurance Portability and Accountability Act (HIPAA).

3. A Business Associate is a person or organization, other than a member of a covered entity's workforce, that performs certain functions or activities on behalf of, or provides certain services to, a covered entity that involve the use or disclosure of individually identifiable health information.
4. Because of certain functions performed by some DHS programs on behalf of OHA, DHS is a business associate of OHA.
5. A business associate component of DHS is a program, office, or service that on behalf of the covered entity component of OHA creates, receives, maintains or transmits protected health information (PHI).
6. Examples of DHS programs who have been identified as performing business associate functions are the following:
 - a. Office of Developmental Disability Services (ODDS)
 - b. Facilities
 - c. Internal Audits
 - d. Office of Payment Accuracy and Recovery (OPAR)
 - e. Office of Program Integrity (OPI)
 - f. Aging and People with Disabilities (APD)
 - g. Office of Business Intelligence (OBI)
 - h. Office of Contracts and Procurement (OCP)
 - i. Office of Legal and Client Relations
7. DHS and OHA shall at all times maintain a current agreement describing their relationship as covered entity and business associate.
8. For all non-business associate work performed by DHS staff, staff shall adhere to DHS privacy policies.
9. Business associate components of DHS shall enter into downstream business associate agreements with any contractors performing downstream business associate work. .

References

[45 CFR Chapter 164](#)
[OAR 943-014-0400 through 0465](#)

Forms referenced

N/A

Related policies

[OHA-100-001 - General Privacy](#)
[OHA-100-002 - Individual Privacy: Permissible and Prohibited Use and Disclosure of Information](#)
[OHA-100-003 - Accessing Individual Records](#)
[OHA-100-004 - Recording and Accounting for Disclosures of Individual Information](#)
[OHA-100-005 - Individual Privacy: Restricting Access to Individual Information](#)
[OHA-100-006 - Amending Individual Records](#)
[OHA-100-007 - Individual Privacy: Alternate Communications](#)
[OHA-100-008 - Using the Minimum Necessary Standard for Individual Information](#)
[OHA-100-009 - Administrative, Technical, and Physical Safeguards](#)
[OHA-100-010 - Release & Waivers for Use and Disclosure for Research Purposes](#)
[OHA-100-011 - De-identification of client Information and Use of Limited Data Sets](#)
[OHA-100-012 - Enforcement, Sanctions, and Penalties for Violations of Individual Privacy](#)

[OHA-100-013 - OHA Business Associate Relationships](#)

[OHA-100-014 - Report and Response to Privacy and Security Incidents](#)

[DHS-100-003 – Use and Disclosures of Individual Information](#)

[DHS-100-004 – Minimum Necessary Standard for Releasing Personally Identifiable Information](#)

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Policy history

Version 1 Established 03/06/2017

Keywords

HIPAA, business associate, BA, covered entity, CE, privacy,

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