



Submission ID:  
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### USF Health Care

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<b>Internal Guideline and Procedure Name:</b>	HIPAA Business Associate Agreement Process		
<b>Responsible Office:</b>	Privacy and Healthcare Civil Rights Compliance Program (PHCR)		
<b>Submitted By:</b>	Barbara Wolodzko	<b>Title:</b>	Privacy Officer

Review/Approvals:	Committee Name and/or CEO Name:	Date Approved:
<b>Oversight Committee</b> <i>(if applicable):</i>		
<b>Sr. Assoc. Vice President, USF Health Chief Operating Officer, USF Health CEO, UMSA</b>	Renee Dubault	
<b>USFHC Finance, EMC or CLB</b> <i>(if applicable):</i>		

**OBJECTIVES AND PURPOSES**

To establish a process for completing and maintaining Business Associate Agreements (BAA) in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. A BAA must be fully executed before USF Health permits the Business Associate (BA) to access, use or disclose any Protected Health Information (PHI). A Business Associate can be defined as a person who, or entity that, on behalf of the USF HIPAA Covered Entity, other than in the capacity of a member of the workforce of the USF Covered Entity, performs, or assists in performing a function or activity involving the access, use or disclosure of individually identifiable health information.

**STATEMENT OF INTERNAL GUIDELINES**

The USF Privacy and Healthcare Civil Rights Compliance Program (PHCR) coordinates the review of new pending contracts to determine if a BAA is required and prepares and negotiates the terms of the BAA. The PHCR is also responsible for maintaining all related BAA files and records. The fully executed BAAs are located in CompliancePro Solutions, a software utilized by the PHCR. The PHCR periodically coordinates a review of vendors utilized by the Covered Entity to identify potential BAs and ensure appropriate BAAs are executed. Most commonly, BAAs involve USF as the Covered Entity and another entity or person as the BA. However, USF may also serve as the BA to other Covered Entities

USF Health workforce members involved with purchasing or processing contracts or agreements for new vendors involving BA type of services must notify the PHCR of the potential need for a BAA through use of CompliancePro Solutions. When a workforce member submits a pending contract for review under the TPA process, they must also submit a copy of the pending contract and any vendor proposed BAA to CompliancePro Solutions by utilizing the following link to enter such request for review: [https://usf.complianceprohealth.com/request/business\\_associate](https://usf.complianceprohealth.com/request/business_associate).

To facilitate completion of BAAs with USF as the Covered Entity, the PHCR utilizes the pre-approved BAA template developed with Office of the General Counsel (“OGC”) whenever possible. In some cases, the prospective BA's BAA is utilized.

All BAAs require final signature by both the University of South Florida and the BA. Processing time for a fully executed BAA is dependent upon the BAA utilized and related time required for review and final signatures, and can vary from a few days to several weeks.

**AREAS OF RESPONSIBILITY FOR IMPLEMENTATION**

Responsible Party

USF Health workforce member

Task to Be Performed

When submitting a new vendor contract or agreement for review through the TPA process, the workforce member must also submit a request for review of the new contract via CompliancePro Solutions by uploading a copy of the contract and a copy of the vendor's BAA if one has been provided: [https://usf.complianceprohealth.com/request/business\\_associate](https://usf.complianceprohealth.com/request/business_associate). The PHCR is automatically notified by email that a request for review has been made via CompliancePro Solutions.

PHCR Privacy Officer or Privacy Analyst

Reviews the submitted request for a BAA and evaluates whether or not a BAA is warranted. If a BAA is warranted, completes the necessary steps to finalize a BAA, including identification of Covered Entity and Business Associate, and authorization signature(s). Notates need for a BAA within the TPA process. Coordinate review and/or negotiation with the BA and OGC, as needed, to finalize the BAA. Once signed by the BA, submits the BAA to be signed by the appropriate representative of USF Health. If a BAA is not warranted, communicates such to the initiating department via the TPA process. A copy of the fully executed BAA is uploaded into CompliancePro Solutions and the effective date is noted. A copy of the final or pending underlying agreement is also uploaded.

**RESPONSIBLE OFFICE:** The preceding was developed by the Privacy Officer, USF Privacy and Healthcare Civil Rights Compliance Program (PHCR). Any questions or concerns should be directed to the PHCR at [privacy@usf.edu](mailto:privacy@usf.edu) or (813) 974-2222.

Prior approval: Revised for name change and contact updates 02/27/24, COO 07/12/16, AVP 07/06/16, and by USF Health PSAC 12/15/15