POLICY STATEMENT (R*)
A Florida International University (“FIU”) Covered Health Care Component may disclose Protected Health Information (“PHI”) to Business Associates provided that the Covered Health Care Component has obtained, in writing, a Business Associate Agreement, which appropriately safeguards PHI. FIU may be a Business Associate of a third party covered entity.

REASON FOR POLICY (O*)
When Covered Entities, or Covered Health Care Components of Covered Entities, Disclose or Use Protected Health Information, safeguards must be in place. Individuals or entities functioning on behalf of a Covered Entity may be deemed Business Associates. A Business Associate of a Covered Entity is responsible to safeguard PHI with the same care as a Covered Entity is required to use.

RELATED INFORMATION (O*)
45 CFR Parts 160, 162, and 164.

DEFINITIONS (R*)
“Business Associate” means any person or entity who:
1. On behalf of a covered entity in which the covered entity participates, but other than in the capacity of a member of the workforce of such covered entity or arrangement, creates, receives, maintains, or transmits protected health information for a function or capacity regulated by HIPAA, including claims processing or administration, data analysis, processing or administration, utilization review, quality assurance, patient safety activities, billing, benefit management, practice management, and repricing; or
2. Provides, other than in the capacity of a member of the workforce of such covered entity, legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services to or for such covered entity, or to or for an organized health care arrangement in which the covered entity participates, where the provision of the service involves the disclosure of protected health information from such covered entity or arrangement, or from another business associate of such covered entity or arrangement, to the person.

“Covered entity” means a health plan, health care clearinghouse, or health care provider who transmits health information in electronic form in connection with a health care transaction.

“Health care component” means a component or combination of components of a hybrid entity that has been specifically designated by the covered entity because it either performs covered functions; or activities that would make such component a business associate of a component that performs covered functions if the two components were separate legal entities.

“Individually identifiable health information” means information that is a subset of health information, including demographic information collected from an individual, and:
- Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and
- Relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual; and
1. That identifies the individual; or
2. With respect to which there is a reasonable basis to believe the information can be used to identify the individual.
“Protected health information” or “PHI” means individually identifiable health information that is:

- Transmitted by electronic media;
- Maintained in electronic media;
- Transmitted or maintained in any other form or medium.
- Protected health information specifically excludes:
  2. Records described at 20 U.S.C. § 1232g(a)(4)(B)(iv); and
  3. Employment records held by a covered entity in its role as an employer.

PROCEDURES (O*)
FIU business units which engage as Business Associates of Covered Entities must have procedures in place for the appropriate safeguarding of the PHI in accordance with the executed Business Associate Agreements. The AHC Privacy Officer and the University Security Officer should be consulted for guidance prior to undertaking Business Associate responsibilities. All Business Associates are required to abide by HIPAA provisions.

HISTORY (R*)
Initial Effective Date: September 1, 2009; Revision Date(s): June 8, 2015, December 31, 2017

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)
Division of Academic Affairs

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)
University Compliance and Privacy Officer
11200 SW 8th Street
PC 429
Miami, FL 33199
Telephone Number: (305)348-2216

The University Policies and Procedures Library is updated regularly. In order to ensure a printed copy of this document is current, please access it online at http://policies.fiu.edu/.

For any questions or comments, the “Document Details” view for this policy online provides complete contact information.

FORMS/ONLINE PROCESSES (O*)
Links to the above referenced Form(s) available in the "Document Details" Section of the online version of this policy document.

*R = Required  *O = Optional