A Florida International University (“FIU”) Health Care Component may disclose Protected Health Information (“PHI”) to Business Associates provided that the Health Care Component has obtained, in writing, reasonable assurances that the Business Associate will appropriately safeguard the PHI. Reasonable assurances must be documented in the form of a Business Associate agreement, including Business Associate provisions in the service contract or in a Business Associate Addendum to an existing service contract.

FIU may be a Business Associate of a third party covered entity. A Business Unit of FIU may be a Business Associate of a Covered Health Care Component of the FIU hybrid Covered Entity. In situations where FIU is a Business Associate of another Covered Entity or Covered Component of the FIU hybrid entity, FIU must comply with all provisions of the Business Associate agreement.

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.

45 CFR Parts 160, 162, and 164.

FIU Glossary of Terms for Policies

1. FIU covered health care components contracting with 3rd party Business Associates:

   A. Identification and tracking of Business Associates:
      Prior to entering into a business arrangement with a third party, Florida International University Health Care Components must assess whether the third party will be performing a function on behalf of the Health Care Component which requires the disclosure of PHI to the third party. A decision tree has been developed to assist in the determination.

   B. The FIU purchasing agent of the Health Care Component must:
      - notify the FIU Purchasing Services Department so that the appropriate assurances (e.g. appending contract with FIU Business Associate Agreement) are obtained from the business associate for arrangements processed through the University’s Purchasing Services Department or
      - provide the business associate the FIU Business Associate agreement template for arrangements conducted at the business unit level and notify FIU Purchasing of the arrangement

   C. FIU Purchasing will flag each Business Associate agreement in a centralized University Purchasing tracking system.

   D. FIU Legal Office of Health Affairs should be contacted for issues related to the content of Business Associate Agreements.

   E. Incidents by Business Associates, including breaches:
      If the FIU health care component knows of a pattern of activity or practice of a Business Associate that constitutes a breach or violation of the obligations in the Business Associate agreement, the Health Care Component or FIU Business Associate must
take reasonable steps to cure the breach or end the violation. If the steps taken to cure the breach or end the violation are not successful, the contract with the Business Associate should be terminated. The breach must be promptly reported to the Privacy Officer and Security Officer of the contracting FIU business unit for further review and action in accordance with established incident procedures.

F. Covered Entities and Business Associates violate HIPAA if there is no required Business Associate Agreement in place; however, Business Associates must still comply with the relevant HIPAA Rules even if there is no Business Associate Agreement.

2. FIU business units which engage as Business Associates of Covered Entities must have procedures in place for the appropriate safeguarding of the PHI. 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*)
Effective Date: September 1, 2009; Revision Date(s): June 8, 2015.

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)
Sr. Vice President for Health Affairs
Florida International University

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)
AHC Compliance and Privacy Officer
11200 SW 8th Street
AHC 2, # 693
Miami, FL 33199
Telephone Number: (305)348-4737

*R = Required  *O = Optional