

TEXAS ASSOCIATION OF COUNTIES HEALTH AND EMPLOYEE BENEFITS POOL HIPAA POLICIES

BUSINESS ASSOCIATES

Effective Date: March 17, 2003

POLICY

Texas Association of Counties Health and Employee Benefits Pool ("HEBP") requires its Business Associates to provide satisfactory assurances that they will maintain the confidentiality of the Protected Health Information ("PHI") of HEBP's participants and only use and disclose PHI for the purposes for which it was provided.

PROCEDURE

- Existing and new relationships with HEBP's service providers are reviewed to determine if the relationship requires the use and/or disclosure of PHI and thus, whether the entity is a Business Associate.
- Business associates are required to sign a written contract that provides satisfactory assurances that they will adhere to HEBP's privacy practices.
- HEBP requires each Business Associate to determine the minimum necessary type and amount of PHI required to perform its function for the Plan and to represent to HEBP that it has requested the minimum necessary PHI for the stated purpose. HEBP relies on the professional judgement of Business Associates to determine the type and amount of PHI necessary for their purposes.
- The Privacy Official monitors the return or destruction of PHI used, created or obtained by the Business Associate upon termination of the contract (or the extension of protection if not returned or destroyed).

The Privacy Official ensures that any complaints regarding privacy violations by Business Associates are reviewed. If the Privacy Official is aware of a pattern or practice that is a material violation of the Business Associate's duties with regard to privacy, the Privacy Official takes reasonable steps to end the violation. If such steps are unsuccessful, the Privacy Official determines, in consultation with the **HEBP Board of Trustees**, whether termination of the agreement is feasible. If not, the Privacy Official reports the violation to DHHS.