

## Business Associates

### Policy

NYU Langone Health may engage outside parties to perform functions for our behalf. In any case where a third party needs to receive, create, transmit or maintain Protected Health Information ("PHI") to perform a service or function for or on behalf of NYU Langone Health, the individual or entity may be a Business Associate ("BA") and a valid Business Associate Agreement ("BAA") must be in place prior to the disclosure (sharing) of any PHI.

A BAA must contain certain provisions to be considered valid. The NYU Langone Health template BAA should be used. A use of any other BAA must be reviewed and approved by the Privacy Officer. The template is available from the Privacy Officer, on the Internal Audit, Compliance, and Enterprise Risk Management ("CERM") intranet site, or in the HIPAA manual on Ellucid.

Generally, it is the responsibility of the Department Head or his/her designee engaging the third party to

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1. The Department Head (or appropriate individual/department as described above) considers whether a BAA is required.
    - x A BAA is generally required when:
      - o the third party creates, receives, maintains, or transmits PHI
      - o the third party is performing a function for or on behalf of NYU Langone Health
    - x A BAA is not required for:

- o treatment services provided to the patient (e.g., another physician or a reference laboratory)
  - o incidental access to PHI (e.g., janitorial services)
  - o other specific exceptions.
- x Contact the Privacy Officer at [baacompliance@nyulangone.org](mailto:baacompliance@nyulangone.org) for assistance as necessary and/or to determine if NYU Langone Health already has a BAA in place with the third party
2. If the relationship involves electronic data (e.g., transmission, storage, or processing of) the Privacy Officer and MCIT Security should be notified. The Department Head appropriate individual/department as described above is responsible for requesting MCIT Security to complete a third party risk assessment. MCIT Security must approve the use of the vendor prior to any engagements or services
3. If it is determined that a BAA is required, execute the agreement in accordance with the following:
- x The NYU Langone Health standard form should be used and the appropriate corresponding box(es) checked, indicating which entities the services will be provided to or on behalf of (e.g., NYU Langone Hospitals/NYU School of Medicine; the Family Health Center at NYU Langone Health).
  - x Use of any other BAA (i.e., one provided by the third party) is not permitted unless reviewed and approved by the Privacy Officer.
  - x Standard conditions or modifications to the standard form are not permitted.

Related Documents

Business Associate Agreement

Document Signing Authority

HIPAA Privacy Policies, Procedures, and Documentation

HIPAA Privacy Policies and Procedures Definitions

Legal Reference

45 C.F.R. §160.103

45 C.F.R. §164.502(b)

45 C.F.R. §164.504(e)

45 C.F.R. §