BERRIEN MENTAL HEALTH AUTHORITY
PROCEDURE

SUBJECT: Business Associate Agreements	SECTION: 01-31-02 Page 1 of 2
APPLICATION: Executive Team, Internal MCO & Contracted Service Providers EFFECTIVE DATE: April, 2003 APPROVED BY: Chief Executive Officer Revised: 9/05, 5/08, 10/12, 6/14, 4/15, 5/17, 3/18, 4/19, 2/2020, 3/2022, 9/2024, 6/2025, 1/2026	REQUIRED BY: 45 CFR, 42 CFR, HIPAA SWMBH

POLICY:
Berrien Mental Health Authority (BMHA) will obtain written assurances from Business Associates that they will appropriately safeguard protected health information they create, store or receive on BMHA's behalf. BMHA will have a signed Business Associate Agreement on file for all vendors and persons who meet the definition of a Business Associate.

PURPOSE:
To provide a process for establishing a written agreement with each of BMHA's business associates as required by the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule.

PROCEDURE:
Executive Team members are responsible for notifying the Director of Provider Network of new vendors and persons associated with BMHA.

Staff are prohibited from using any vendor or third-party service that may access or handle Protected Health Information (PHI) unless the vendor has been approved by the Executive Team and a Business Associate Agreement has been executed prior to use. If a staff member is uncertain whether a vendor requires a Business Associate Agreement, the vendor must not be used until approval has been obtained from the Executive Team.

The Director of Provider Network (or designee) will make arrangements with new vendors and persons for signing a Business Associate Agreement. It is not necessary to enter into Business Associate Agreements with vendors and persons who are contracted service providers.

All Business Associate Agreements will be stored in the Central Repository maintained by the Internal MCO Team. The Director of Digital Operations/Security Officer will verify that a current, signed Business Associate Agreement is in place prior to providing access/passwords to BMHA's information system(s).

DEFINITION:
Business Associate – A person or organization that performs certain functions or activities (e.g. claims processing, data analysis and billing) on behalf of BMHA, or provides certain services (e.g. legal, actuarial, accounting, consulting, data aggregation, accreditation and financial services) to BMHA that involve the use or disclosure of individually identifiable health information. The HIPAA privacy rule

explicitly excludes from the Business Associate requirements disclosures by a covered entity to another health care provider for treatment purposes (See, 45 CFR 164.502(e)(1)).

Covered Entity – A health plan, healthcare clearinghouse or healthcare provider who transmits any health information in electronic form in connection with a transaction covered under HIPAA.

NOTIFICATION BY A BUSINESS ASSOCIATE:
If a breach of unsecured protected health information occurs at or by a Business Associate, the Business Associate must notify BMHA following the discovery of the breach. A Business Associate must provide notice to BMHA without unreasonable delay and no later than 60 days from the discovery of the breach. To the extent possible, the Business Associate should provide BMHA with the identification of each individual affected by the breach as well as any information required to be provided by BMHA in its notification to affected individuals. Covered entities and business associates, as applicable, have the burden of demonstrating that all required notifications have been provided or that a use or disclosure of unsecured protected health information did not constitute a breach.

VIOLATIONS OF BUSINESS ASSOCIATE REQUIREMENTS:
If any BMHA staff learn of a breach or violation of a Business Associate requirement by a Business Associate, such breach or violation shall be immediately reported to the Director of Regulatory Compliance/HIPAA Privacy Officer and Director of Provider Network.

DISCLOSURE OF BUSINESS ASSOCIATE AGREEMENT(S) WITH THIRD PARTY VENDORS:
The Contracted Service Provider shall immediately enter into a Business Associate Agreement with any third party it contracts with that qualifies as a Business Associate or may be exposed to or uses protected health information of BMHA consumers. The Contracted Service Provider shall notify the Director of Provider Network and provide a copy of the Business Associate Agreement at BMHA's request.

REVIEWER: Director of Regulatory Compliance/HIPAA Privacy Officer/Director of Provider Network
REVIEWED: 5/07, 7/13, 6/14, 4/15, 4/16, 4/17, 3/18, 3/19, 4/19, 2/2020, 5/2021, 3/2022, 6/2023, 5/2024, 6/2025, 1/2026, 7/2026